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ABSTRACT

This manual and resource directory aims to help employers, other entities, and persons with disabilities learn about their obligations and rights under the employment provisions of Title I of the Americans with Disabilities Act (ADA). The manual provides guidance on the application of legal requirements established in the statute and in regulations of the Equal Employment Opportunity Commission (EEOC). The manual's 10 chapters address the following topics: (1) summary of Title I legal requirements; (2) definitions of "an individual with a disability," a "qualified individual with a disability," and "essential" job functions; (3) the obligation to make reasonable accommodation; (4) establishment of qualification standards and selection criteria that do not discriminate; (5) guidance on nondiscrimination in recruitment and selection; (6) requirements applicable to medical examinations and medical inquiries; (7) the obligation to apply ADA nondiscrimination requirements to promotion and advancement opportunities, training, evaluation, and employee benefits such as insurance; (8) requirements related to employment policies regarding drug and alcohol abuse; (9) guidance on ADA requirements as they relate to workers' compensation practices; and (10) enforcement provisions. Appendixes contain the text of Title I and Title V, EEOC regulations, and a form for ADA-related small business tax credit. The resource directory is divided into three parts, covering: federal agency programs that provide information and technical assistance on or related to the ADA and other federal nondiscrimination requirements; information on specific employment-related information and technical assistance available from national nongovernmental organizations; and locations and telephone numbers for regional and state offices of federal programs. (JDD)

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A TECHNICAL ASSISTANCE MANUAL ON THE EMPLOYMENT PROVISIONS (TITLE I) OF THE AMERICANS WITH DISABILITIES ACT

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INTRODUCTION

The Equal Employment Opportunity Commission (EEOC) is issuing this Technical Assistance Manual as part of an active technical assistance program to help employers, other covered entities, and persons with disabilities learn about their obligations and rights under the employment provisions of the Americans with Disabilities Act (Title I of the ADA). ADA requirements for nondiscrimination in employment become effective for employers with 25 or more employees and other covered entities on July 26, 1992, and for employers with 15 to 24 employees on July 26, 1994.

The Manual provides guidance on the practical application of legal requirements established in the statute and EEOC regulations. It also provides a directory of resources to aid in compliance. The Manual is designed to be updated periodically with supplements as the Commission develops further policy guidance and identifies additional resources.

Part One of the Manual explains key legal requirements in practical terms, including:

- who is protected by, and who must comply with, the ADA;
- what the law permits and prohibits with respect to establishing qualification standards, assessing the qualifications and capabilities of people with disabilities to perform specific jobs, and requiring medical examinations and other inquiries;
- the nature of the obligation to make a reasonable accommodation;
- how the law's nondiscrimination requirements apply to aspects of the employment process such as promotion, transfer, termination, compensation, leave, fringe benefits and contractual arrangements;
- how ADA provisions regarding drug and alcohol use affect other legal obligations and employer policies concerning drugs and alcohol; and
- how ADA requirements affect workers' compensation policies and practices.

The manual explains many employment provisions through the use of examples. These examples are used only to illustrate the particular point or principle to which they relate in the text and should not be taken out of context as statements of EEOC policy that would apply in different circumstances.

Part Two of the Manual is a Resource Directory listing public and private agencies and organizations that provide information, expertise, and technical assistance on many aspects of employing people with disabilities, including reasonable accommodation.

EEOC has published informational booklets on the ADA for employers and for people with disabilities, and will provide other written and audiovisual educational materials; it will provide ADA training for people with disabilities, for employers and other covered entities, and will participate in meetings and training programs of various organizations. EEOC also has established a free "800" number "Helpline" to respond to individual requests for information and assistance.

The Commission's technical assistance program will be separate and distinct from its enforcement responsibilities. Employers who seek information or assistance from EEOC will not be subject to any enforcement action because of such inquiries. The Commission believes that the majority of employers wish to comply voluntarily with the ADA, and will do so if guidance and technical assistance are provided.

To obtain additional single copies of this Manual or other ADA informational materials, call EEOC at 1-800-669-EEOC (voice) or 1-800-800-3302 (TDD) or write to EEOC Office of Communications and Legislative Affairs, 1801 L Street, N.W., Washington, D.C. 20507. Copies of these materials also are available in braille, large print, audiotape, and electronic file on computer disk. To obtain copies in an accessible format, call the EEOC Office of Equal Employment Opportunity at (202) 663-4395 or (202) 663-4398 (voice); (202) 663-4399 (TDD) or write this office at the address above.

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HOW TO USE THIS MANUAL

The information in this Manual is presented in an order designed to explain the ADA's basic employment nondiscrimination requirements. The first three chapters provide an overview of Title I legal requirements and discuss in detail the basic requirement not to discriminate against a "qualified individual with a disability," including the requirement for reasonable accommodation. The following chapters apply these legal requirements to specific employment practices and activities. Readers familiar with Title I legal requirements may wish to go directly to chapters that address specific practices. However, in many cases, these chapters refer back to the earlier sections to fully explain the requirements that apply.

The following summary of Manual chapters may be helpful in locating specific types of information.

Chapter I.	Provides a summary of Title I legal requirements with cross-references to the chapters where these requirements are discussed.
Chapter II.	Looks at the definitions of "an individual with a disability" and a "qualified individual with a disability," drawing upon guidance set out in EEOC's Title I regulation and interpretive appendix. These definitions are important, because an individual is only protected by the ADA if s/he meets both definitions. In addition, the second definition incorporates the ADA's basic employment nondiscrimination requirement, by defining a "qualified" individual as a person who can "perform the essential functions of a job . . . with or without reasonable accommodation." Chapter II also provides practical guidance on identifying "essential" job functions.
Chapter III.	Provides guidance on the obligation to make a "reasonable accommodation," including why reasonable accommodation is necessary for nondiscrimination and what is required. This chapter also provides many examples of reasonable accommodations for people with different types of disabilities in different jobs. The following chapters provide further guidance on making reasonable accommodations in the employment practices described in those chapters.

Chapter IV.	Explains how to establish qualification standards and selection criteria that do not discriminate under the ADA, including standards necessary to assure health and safety in the workplace.
Chapter V.	Provides guidance on nondiscrimination in recruitment and selection, including important ADA requirements regarding pre-employment inquiries. Among other issues, this chapter discusses nondiscrimination in advertising, recruiting, application forms, and the overall application process, including interviews and testing.
Chapter VI.	Discusses ADA requirements applicable to medical examinations and medical inquiries, including the different requirements that apply before making a job offer, after making a conditional job offer, and after an individual is employed.
Chapter VII.	Discusses and illustrates the obligation to apply ADA nondiscrimination requirements to all other employment practices and activities, and to all terms, conditions, and benefits of employment. In particular, the chapter looks at the application of ADA requirements to promotion and advancement opportunities, training, evaluation, and employee benefits such as insurance. The chapter also discusses the ADA's prohibition of discrimination on the basis of a "relationship or association with a person with a disability."
Chapter VIII.	Discusses ADA requirements related to employment policies regarding drug and alcohol abuse.
Chapter IX.	Provides further guidance on ADA requirements as they relate to workers' compensation practices.
Chapter X.	Describes the enforcement provisions of the ADA and how they will be applied by EEOC.

I. TITLE I: AN OVERVIEW OF LEGAL REQUIREMENTS

This chapter of the manual provides a brief overview of the basic requirements of Title I of the ADA. Following chapters look at these and other requirements in more detail and illustrate how they apply to specific employment practices.

Who Must Comply with Title I of the ADA?

Private employers, state and local governments, employment agencies, labor unions, and joint labor-management committees must comply with Title I of the ADA. The ADA calls these "covered entities." For simplicity, this manual generally refers to all covered entities as "employers," except where there is a specific reason to emphasize the responsibilities of a particular type of entity.

An employer cannot discriminate against qualified applicants and employees on the basis of disability. The ADA's requirements ultimately will apply to employers with 15 or more employees. To give smaller employers more time to prepare for compliance, coverage is phased in two steps as follows:

Number of employees	Coverage begins
25 or more	July 26, 1992
15 or more	July 26, 1994

Covered employers are those who have 25 or more employees (1992) or 15 or more employees (1994), including part-time employees, working for them for 20 or more calendar weeks in the current or preceding calendar year. The ADA's definition of "employee" includes U.S. citizens who work for American companies, their subsidiaries, or firms controlled by Americans outside the USA. However, the Act provides an exemption from coverage for any action in compliance with the ADA which would violate the law of the foreign country in which a workplace is located.

(Note that state and local governments, regardless of size, are covered by employment nondiscrimination requirements under Title II of the ADA as of January 26, 1992. See Coordination of Overlapping Federal Requirements below.)

The definition of "employer" includes persons who are "agents" of the employer, such as managers, supervisors, foremen, or others who act for the employer, such as agencies used to conduct background checks on candidates. Therefore, the employer is responsible for actions of such persons that may violate the law. These coverage requirements are similar to those of Title VII of the Civil Rights Act of 1964.

Special Situations

Religious organizations are covered by the ADA, but they may give employment preference to people of their own religion or religious organization.

> **For example**: A church organization could require that its employees be members of its religion. However, it could not discriminate in employment on the basis of disability against members of its religion.

The **legislative branch** of the U.S. Government is covered by the ADA, but is governed by different enforcement procedures established by the Congress for its employees.

Certain individuals appointed by elected officials of state and local governments also are covered by the special enforcement procedures established for Congressional employees.

Who Is Exempt?

Executive agencies of the U.S. Government are exempt from the ADA, but these agencies are covered by similar nondiscrimination requirements and additional affirmative employment requirements under Section 501 of the Rehabilitation Act of 1973. Also exempted from the ADA (as they are from Title VII of the Civil Rights Act) are corporations fully owned by the U.S. Government, Indian tribes, and bona fide private membership clubs that are not labor organizations and that are exempt from taxation under the Internal Revenue Code.

Who Is Protected by Title I?

The ADA prohibits employment discrimination against "qualified individuals with disabilities." A qualified individual with a disability is:

an individual with a disability who meets the skill, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job.

To understand who is and who is not protected by the ADA, it is first necessary to understand the Act's definition of an "individual with a disability" and then determine if the individual meets the Act's definition of a "qualified individual with a disability."

The ADA definition of individual with a disability is very specific. A person with a "disability" is an individual who:

- has a physical or mental impairment that substantially limits one or more of his/her major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

(See Chapter II.)

Individuals Specifically not Protected by the ADA

The ADA specifically states that certain individuals are not protected by its provisions:

Persons who currently use drugs illegally

Individuals who currently use drugs illegally are not individuals with disabilities protected under the Act when an employer takes action because of their continued use of drugs. This includes people who use prescription drugs illegally as well as those who use illegal drugs.

However, people who have been rehabilitated and do not currently use drugs illegally, or who are in the process of completing a rehabilitation program may be protected by the ADA. (See Chapter VIII.)

Other specific exclusions

The Act states that homosexuality and bisexuality are not impairments and therefore are not disabilities under the ADA. In addition, the Act specifically excludes a number of behavior disorders from the definition of "individual with a disability." (See Chapter II.)

Employment Practices Regulated by Title I of the ADA

Employers cannot discriminate against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process, including:

- application
- testing
- hiring
- assignments
- evaluation
- disciplinary actions
- training
- promotion
- medical examinations
- layoff/recall
- termination
- compensation
- leave
- benefits

Actions which Constitute Discrimination

The ADA specifies types of actions that may constitute discrimination. These actions are discussed more fully in the following chapters, as indicated:

1) Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee because of his or her disability. (See Chapter VII.)

2) Participating in a contractual or other arrangement or relationship that subjects an employer's qualified applicant or employee with a disability to discrimination. (See Chapter VII.)

3) Denying employment opportunities to a qualified individual because s/he has a relationship or association with a person with a disability. (See Chapter VII.)

4) Refusing to make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an undue hardship on the business. (See Chapters III. and VII.)

5) Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability unless they are job-related and necessary for the business. (See Chapter IV.)

6) Failing to use employment tests in the most effective manner to measure actual abilities. Tests must accurately reflect the skills, aptitude, or other factors being measured, and not the impaired sensory, manual, or speaking skills of an employee or applicant with a disability (unless those are the skills the test is designed to measure). (See Chapter V.)

7) Denying an employment opportunity to a qualified individual because s/he has a relationship or association with an individual with a disability. (See Chapter VII.)

8) Discriminating against an individual because s/he has opposed an employment practice of the employer or filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing to enforce provisions of the Act. (See Chapter X.)

Reasonable Accommodation and the Undue Hardship Limitation

Reasonable accommodation

Reasonable accommodation is a critical component of the ADA's assurance of nondiscrimination. Reasonable accommodation is any change in the work environment or in the way things are usually done that results in equal employment opportunity for an individual with a disability.

An employer must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business.

Some examples of reasonable accommodation include:

- making existing facilities used by employees readily accessible to, and usable by, an individual with a disability;
- job restructuring;
- modifying work schedules;
- reassignment to a vacant position;
- acquiring or modifying equipment or devices;
- adjusting or modifying examinations, training materials, or policies;
- providing qualified readers or interpreters.

An employer is not required to lower quality or quantity standards to make an accommodation. Nor is an employer obligated to provide personal use items, such as glasses or hearing aids, as accommodations.

Undue hardship

An employer is not required to provide an accommodation if it will impose an undue hardship on the operation of its business. **Undue hardship** is defined by the ADA as an action that is:

> **"excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business."**

In determining undue hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the employer's operation, as well as the impact of the accommodation on the specific facility providing the accommodation. (See Chapter III.)

Health or Safety Defense

An employer may require that an individual not pose a "direct threat" to the health or safety of himself/herself or others. A health or safety risk can only be considered if it is "a significant risk of substantial harm." Employers cannot deny an employment opportunity merely because of a slightly increased risk. An assessment of "direct threat" must be strictly based on valid medical analyses and/or other objective evidence, and not on speculation. Like any qualification standard, this requirement must apply to all applicants and employees, not just to people with disabilities.

If an individual appears to pose a direct threat because of a disability, the employer must first try to eliminate or reduce the risk to an acceptable level with reasonable accommodation. If an effective accommodation cannot be found, the employer may refuse to hire an applicant or discharge an employee who poses a direct threat. (See Chapter IV.)

Pre-employment Inquiries and Medical Examinations

An employer may not ask a job applicant about the existence, nature, or severity of a disability. **Applicants** may be asked about their ability to perform specific job functions. An employer may not make medical inquiries or conduct a medical examination until after a job offer has been made. A job offer may be conditioned on the results of a medical examination or inquiry, but only if this is required for all entering employees in similar jobs. Medical examinations of **employees** must be job-related and consistent with the employer's business needs. (See Chapters V. and VI.)

Drug and Alcohol Use

It is not a violation of the ADA for employers to use drug tests to find out if applicants or employees are currently illegally using drugs. Tests for illegal use of drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal users of drugs and alcoholics to the same performance and conduct standards as other employees. (See Chapter VIII.)

Enforcement and Remedies

The U.S. Equal Employment Opportunity Commission (EEOC) has responsibility for enforcing compliance with Title I of the ADA. An individual with a disability who believes that (s)he has been discriminated against in employment can file a charge with EEOC. The procedures for processing charges of discrimination under the ADA are the same as those under Title VII of the Civil Rights Act of 1964. (See Chapter X.)

Remedies that may be required of an employer who is found to have discriminated against an applicant or employee with a disability include compensatory and punitive damages, back pay, front pay, restored benefits, attorney's fees, reasonable accommodation, reinstatement, and job offers. (See Chapter X.)

Posting Notices

An employer must post notices concerning the provisions of the ADA. The notices must be accessible, as needed, to persons with visual or other reading disabilities. A new equal employment opportunity (EEO) poster, containing ADA provisions and other federal employment nondiscrimination provisions may be obtained by writing EEOC at 1801 L Street N.W., Washington, D.C., 20507, or calling 1-800-669-EEOC or 1-800-800-3302 (TDD).

Coordination of Overlapping Federal Requirements

Employers covered by Title I of the ADA also may be covered by other federal requirements that prohibit discrimination on the basis of disability. The ADA directs the agencies with enforcement authority for these legal requirements to coordinate their activities to prevent duplication and avoid conflicting standards. Overlapping requirements exist for both public and private employers.

Title II of the ADA, enforced by the U.S. Department of Justice, prohibits discrimination in all **state and local government programs and activities**, including employment, after January 26, 1992.

The Department of Justice regulations implementing Title II provide that EEOC's Title I regulations will constitute the employment nondiscrimination requirements for those state and local governments covered by Title I (governments with 25 or more employees after July 26, 1992; governments with 15 or more employees after July 26, 1994). If a government is not covered by Title I, or until it is covered, the Title II employment nondiscrimination requirements will be those in the Department of Justice coordination regulations applicable to federally assisted programs under Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability by recipients of federal financial assistance.

Section 504 employment requirements in most respects are the same as those of Title I, because the ADA was based on the Section 504 regulatory requirements. (Note that governments receiving federal financial assistance, as well as federally funded private entities, will continue to be covered by Section 504.)

In addition, some **private employers** are covered by Section 503 of the Rehabilitation Act. Section 503 requires nondiscrimination and affirmative action by federal contractors and subcontractors to employ and advance individuals with disabilities, and is enforced by the Office of Federal Contract Compliance Programs (OFCCP) in the U.S. Department of Labor.

The EEOC, the Department of Labor, the Department of Justice and the other agencies that enforce Section 504 (i.e., Federal agencies with programs of financial assistance) will coordinate their enforcement efforts under the ADA and the Rehabilitation Act, to assure consistent standards and to eliminate unnecessary duplication. (See Chapter X. For further information see Resource Directory: "Federal Agencies that Enforce Other Laws Prohibiting Discrimination on the Basis of Disability.")

II. WHO IS PROTECTED BY THE ADA?

INDIVIDUAL WITH A DISABILITY
QUALIFIED INDIVIDUAL WITH A DISABILITY

2.1 Introduction

The ADA protects qualified individuals with disabilities from employment discrimination. Under other laws that prohibit employment discrimination, it usually is a simple matter to know whether an individual is covered because of his or her race, color, sex, national origin or age. But to know whether a person is covered by the employment provisions of the ADA can be more complicated. It is first necessary to understand the Act's very specific definitions of **"disability"** and **"qualified individual with a disability."** Like other determinations under the ADA, deciding who is a "qualified" individual is a case-by case process, depending on the circumstances of the particular employment situation.

2.2 Individual With a Disability

The ADA has a three-part definition of "disability." This definition, based on the definition under the Rehabilitation Act, reflects the specific types of discrimination experienced by people with disabilities. Accordingly, it is not the same as the definition of disability in other laws, such as state workers' compensation laws or other federal or state laws that provide benefits for people with disabilities and disabled veterans.

Under the ADA, an individual with a disability is a person who has:

- a physical or mental **impairment** that **substantially limits** one or more **major life activities**;
- a **record** of such an impairment; or
- is **regarded as** having such an impairment.

2.1(a) An Impairment that Substantially Limits Major Life Activities

The first part of this definition has three major subparts that further define who is and who is not protected by the ADA.

(i) A Physical or Mental Impairment

A physical impairment is defined by the ADA as:

> "[a]ny physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine."

A mental impairment is defined by the ADA as:

> "[a]ny mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."

Neither the statute nor EEOC regulations list all diseases or conditions that make up "physical or mental impairments," because it would be impossible to provide a comprehensive list, given the variety of possible impairments.

A person's impairment is determined without regard to any medication or assistive device that s/he may use.

> **For example**: A person who has epilepsy and uses medication to control seizures, or a person who walks with an artificial leg would be considered to have an impairment, even if the medicine or prosthesis reduces the impact of that impairment.

An impairment under the ADA is a physiological or mental disorder; simple physical characteristics, therefore, such as eye or hair color, lefthandedness, or height or weight within a normal range, are not impairments. A physical condition that is not the result of a physiological disorder, such as pregnancy, or a predisposition to a certain disease would not be an impairment. Similarly, personality traits such as poor judgment, quick temper or irresponsible behavior, are not themselves impairments. Environmental, cultural, or economic disadvantages, such as lack of education or a prison record also are not impairments.

> **For example**: A person who cannot read due to dyslexia is an individual with a disability because dyslexia, which is a learning disability, is an impairment. But a person who cannot read because she dropped out of school is not

an individual with a disability, because lack of education is not an impairment.

"Stress" and "depression" are conditions that may or may not be considered impairments, depending on whether these conditions result from a documented physiological or mental disorder.

> **For example**: A person suffering from general "stress" because of job or personal life pressures would not be considered to have an impairment. However, if this person is diagnosed by a psychiatrist as having an identifiable stress disorder, s/he would have an impairment that may be a disability.

A person who has a contagious disease has an impairment. For example, infection with the Human Immunodeficiency Virus (HIV) is an impairment. The Supreme Court has ruled that an individual with tuberculosis which affected her respiratory system had an impairment under Section 504 of the Rehabilitation Act[*]. However, although a person who has a contagious disease may be covered by the ADA, an employer would not have to hire or retain a person whose contagious disease posed a direct threat to health or safety, if no reasonable accommodation could reduce or eliminate this threat. (See Health and Safety Standards, Chapter IV.)

(ii) Major Life Activities

To be a disability covered by the ADA, an impairment must substantially limit one or more **major life activities**. These are activities that an average person can perform with little or no difficulty. Examples are:

- **walking**
- **speaking**
- **breathing**
- **performing manual tasks**
- **seeing**
- **hearing**
- **learning**
- **caring for oneself**
- **working**

These are examples only. Other activities such as sitting, standing, lifting, or reading are also major life activities.

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[*] **School Board of Nassau Cty. v. Arline**, 480 U.S. 273 (1987).

(iii) Substantially Limits

An impairment is only a "disability" under the ADA if it **substantially limits** one or more major life activities. An individual must be unable to perform, or be significantly limited in the ability to perform, an activity compared to an average person in the general population.

The regulations provide three factors to consider in determining whether a person's impairment substantially limits a major life activity.

- **its nature and severity;**
- **how long it will last or is expected to last;**
- **its permanent or long term impact, or expected impact.**

These factors must be considered because, generally, it is not the name of an impairment or a condition that determines whether a person is protected by the ADA, but rather the **effect** of an impairment or condition on the life of a particular person. Some impairments, such as blindness, deafness, HIV infection or AIDS, are by their nature substantially limiting, but many other impairments may be disabling for some individuals but not for others, depending on the impact on their activities.

> **For example**: Although cerebral palsy frequently significantly restricts major life activities such as speaking, walking and performing manual tasks, an individual with very mild cerebral palsy that only slightly interferes with his ability to speak and has no significant impact on other major life activities is not an individual with a disability under this part of the definition.

The determination as to whether an individual is substantially limited must always be based on the effect of an impairment on that individual's life activities.

> **For example**: An individual who had been employed as a receptionist-clerk sustained a back injury that resulted in considerable pain. The pain permanently restricted her ability to walk, sit, stand, drive, care for her home, and engage in recreational activities. Another individual who had been employed as a general laborer had sustained a

back injury, but was able to continue an active life, including recreational sports, and had obtained a new position as a security guard. The first individual was found by a court to be an individual with a disability; the second individual was found not significantly restricted in any major life activity, and therefore not an individual with a disability.

Sometimes, an individual may have two or more impairments, neither of which by itself substantially limits a major life activity, but that together have this effect. In such a situation, the individual has a disability.

> **For example**: A person has a mild form of arthritis in her wrists and hands and a mild form of osteoporosis. Neither impairment by itself substantially limits a major life activity. Together, however, these impairments significantly restrict her ability to lift and perform manual tasks. She has a disability under the ADA.

Temporary Impairments

Employers frequently ask whether "temporary disabilities" are covered by the ADA. How long an impairment lasts is a factor to be considered, but does not by itself determine whether a person has a disability under the ADA. The basic question is whether an impairment "substantially limits" one or more major life activities. This question is answered by looking at the extent, duration, and impact of the impairment. Temporary, non-chronic impairments that do not last for a long time and that have little or no long term impact usually are not disabilities.

> **For example**: Broken limbs, sprains, concussions, appendicitis, common colds, or influenza generally would not be disabilities. A broken leg that heals normally within a few months, for example, would not be a disability under the ADA. However, if a broken leg took significantly longer than the normal healing period to heal, and during this period the individual could not walk, s/he would be considered to have a disability. Or, if the leg did not heal properly, and resulted in a permanent impairment that significantly restricted walking or other major life activities, s/he would be considered to have a disability.

Substantially Limited in Working

It is not necessary to consider if a person is substantially limited in the major life activity of "working" if the person is substantially limited in any other major life activity.

> **For example**: If a person is substantially limited in seeing, hearing, or walking, there is no need to consider whether the person is also substantially limited in working.

In general, a person will not be considered to be substantially limited in working if s/he is substantially limited in performing only a **particular** job for one employer, or unable to perform a very specialized job in a particular field.

> **For example**: A person who cannot qualify as a commercial airline pilot because of a minor vision impairment, but who could qualify as a co-pilot or a pilot for a courier service, would not be considered substantially limited in working just because he could not perform a particular job. Similarly, a baseball pitcher who develops a bad elbow and can no longer pitch would not be substantially limited in working because he could no longer perform the specialized job of pitching in baseball.

But a person need not be totally unable to work in order to be considered substantially limited in working. The person must be significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes, compared to an average person with similar training, skills, and abilities.

The regulations provide factors to help determine whether a person is substantially limited in working. These include:

- the **type of job** from which the individual has been disqualified because of the impairment;

- the **geographical area** in which the person may reasonably expect to find a job;

- the **number and types of jobs using similar training, knowledge, skill, or abilities** from which the individual is disqualified within the geographical area, and/or

- the **number and types of other jobs in the area that do not involve similar training, knowledge, skill, or abilities** from which the individual also is disqualified because of the impairment.

  For example: A person would be considered significantly restricted in a "class of jobs" if a back condition prevents him from working in any heavy labor job. A person would be considered significantly limited in the ability to perform "a broad range of jobs in various classes" if she has an allergy to a substance found in most high-rise office buildings in the geographic area in which she could reasonably seek work, and the allergy caused extreme difficulty in breathing. In this case, she would be substantially limited in the ability to perform the many different kinds of jobs that are performed in high-rise buildings. By contrast, a person who has a severe allergy to a substance in the particular office in which she works, but who is able to work in many other offices that do not contain this substance, would not be significantly restricted in working.

  For example: A computer programmer develops a vision impairment that does not substantially limit her ability to see, but because of poor contrast is unable to distinguish print on computer screens. Her impairment prevents her from working as a computer operator, programmer, instructor, or systems analyst. She is substantially limited in working, because her impairment prevents her from working in the class of jobs requiring use of a computer.

In assessing the "number" of jobs from which a person might be excluded by an impairment, the regulations make clear that it is only necessary to indicate an approximate number of jobs from which an individual would be excluded (such as "few," "many," "most"), compared to an average person with similar training, skills and abilities, to show that the individual would be significantly limited in working.

Specific Exclusions

A person **who currently illegally uses drugs is not protected by the ADA**, as an "individual with a disability", when an employer acts on the basis of such use. However, former drug addicts who have been successfully rehabilitated may be protected by the Act. (See Chapter VIII). (See also discussion below of a person "regarded as" a drug addict.)

Homosexuality and **bisexuality** are not impairments and therefore are not disabilities covered by the ADA. The Act also states that the term "disability" does not include the following sexual and behavioral disorders:

- transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- compulsive gambling, kleptomania, or pyromania; or
- psychoactive substance use disorders resulting from current illegal use of drugs.

The discussion so far has focused on the first part of the definition of an "individual with a disability," which protects people who currently have an impairment that substantially limits a major life activity. The second and third parts of the definition protect people who may or may not actually have such an impairment, but who may be subject to discrimination because they have a record of or are regarded as having such an impairment.

2.2(b) Record of a Substantially Limiting Condition

This part of the definition protects people who have a history of a disability from discrimination, whether or not they currently are substantially limited in a major life activity.

> **For example**: It protects people with a history of cancer, heart disease, or other debilitating illness, whose illnesses are either cured, controlled or in remission. It also protects people with a history of mental illness.

This part of the definition also protects people who may have been misclassified or misdiagnosed as having a disability.

> **For example**: It protects a person who may at one time have been erroneously classified as having mental retardation or having a learning disability. These people have a record of disability. (If an employer relies on any record [such as an educational, medical or employment record] containing such information to make an adverse employment decision about a person who currently is qualified to perform a job, the action is

subject to challenge as a discriminatory practice.)

Other examples of individuals who have a record of disability, and of potential violations of the ADA if an employer relies on such a record to make an adverse employment decision:

- A job applicant formerly was a patient at a state institution. When very young she was misdiagnosed as being psychopathic and this misdiagnosis was never removed from her records. If this person is otherwise qualified for a job, and an employer does not hire her based on this record, the employer has violated the ADA.

- A person who has a learning disability applies for a job as secretary/receptionist. The employer reviews records from a previous employer indicating that he was labeled as "mentally retarded." Even though the person's resume shows that he meets all requirements for the job, the employer does not interview him because he doesn't want to hire a person who has mental retardation. This employer has violated the ADA.

- A job applicant was hospitalized for treatment for cocaine addiction several years ago. He has been successfully rehabilitated and has not engaged in the illegal use of drugs since receiving treatment. This applicant has a record of an impairment that substantially limited his major life activities. If he is qualified to perform a job, it would be discriminatory to reject him based on the record of his former addiction.

In the last example above, the individual was protected by the ADA because his drug **addiction** was an impairment that substantially limited his major life activities. However, if an individual had a record of casual drug use, s/he would not be protected by the ADA, because casual drug use, as opposed to addiction, does not substantially limit a major life activity.

To be protected by the ADA under this part of the definition, a person must have a record of a physical or mental impairment that substantially limits one or more major life activities. A person would not be protected, for example, merely because s/he has a record of being a "disabled veteran," or a record of "disability" under another Federal statute or program unless this person also met the ADA definition of an individual with a record of a disability.

2.2(c) Regarded as Substantially Limited

This part of the definition protects people who are not substantially limited in a major life activity from discriminatory actions taken because they are perceived to have such a limitation. Such protection is necessary, because, as the Supreme Court has stated and the Congress has reiterated, "society's myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairments."

The legislative history of the ADA indicates that Congress intended this part of the definition to protect people from a range of discriminatory actions based on "myths, fears and stereotypes" about disability, which occur even when a person does not have a substantially limiting impairment.

An individual may be protected under this part of the definition in three circumstances:

1. The individual may have an impairment which is not substantially limiting, but is treated by the employer as having such an impairment.

   For example: An employee has controlled high blood pressure which does not substantially limit his work activities. If an employer reassigns the individual to a less strenuous job because of unsubstantiated fear that the person would suffer a heart attack if he continues in the present job, the employer has "regarded" this person as disabled.

2. The individual has an impairment that is substantially limiting because of attitudes of others toward the condition.

   For example: An experienced assistant manager of a convenience store who had a prominent facial scar was passed over for promotion to store manager. The owner promoted a less experienced part-time clerk, because he believed that customers and vendors would not want to look at this person. The employer discriminated against her on the basis of disability, because he perceived and treated her as a person with a substantial limitation.

3. The individual may have no impairment at all, but is regarded by an employer as having a substantially limiting impairment.

For example: An employer discharged an employee based on a rumor that the individual had HIV disease. This person did not have any impairment, but was treated as though she had a substantially limiting impairment.

This part of the definition protects people who are "perceived" as having disabilities from employment decisions based on stereotypes, fears, or misconceptions about disability. It applies to decisions based on unsubstantiated concerns about **productivity, safety, insurance, liability, attendance, costs of accommodation, accessibility, workers' compensation costs or acceptance by co-workers and customers**.

Accordingly, if an employer makes an adverse employment decision based on unsubstantiated beliefs or fears that a person's perceived disability will cause problems in areas such as those listed above, and cannot show a legitimate, nondiscriminatory reason for the action, that action would be discriminatory under this part of the definition.

2.3 Qualified Individual with a Disability

To be protected by the ADA, a person must not only be an individual with a disability, but must be qualified. An employer is not required to hire or retain an individual who is not qualified to perform a job. The regulations define a qualified individual with a disability as a person with a disability who:

> **"satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position."**

There are two basic steps in determining whether an individual is "qualified" under the ADA:

(1) Determine if the individual meets necessary prerequisites for the job, such as:

- education;
- work experience;
- training;

- skills;
- licenses;
- certificates;
- other job-related requirements, such as good judgment or ability to work with other people.

> **For example**: The first step in determining whether an accountant who has cerebral palsy is qualified for a certified public accountant job is to determine if the person is a licensed CPA. If not, s/he is not qualified. Or, if it is a company's policy that all its managers have at least three years' experience working with the company, an individual with a disability who has worked for two years for the company would not be qualified for a managerial position.

This first step is sometimes referred to as determining if an individual with a disability is **"otherwise qualified."** Note, however, that if an individual meets all job prerequisites except those that s/he cannot meet because of a disability, and alleges discrimination because s/he is "otherwise qualified" for a job, the employer would have to show that the requirement that screened out this person is "job related and consistent with business necessity." (See Chapter IV)

If the individual with a disability meets the necessary job prerequisites:

(2) Determine if the individual can perform the essential functions of the job, with or without reasonable accommodation.

This second step, a key aspect of nondiscrimination under the ADA, has two parts:

- Identifying "essential functions of the job"; and
- Considering whether the person with a disability can perform these functions, unaided or with a "reasonable accommodation."

The ADA requires an employer to focus on the essential functions of a job to determine whether a person with a disability is qualified. This is an important nondiscrimination requirement. Many people with disabilities who can perform essential job functions are denied employment because they cannot do things that are only marginal to the job.

For example: A file clerk position description may state that the person holding the job answers the telephone, but if in fact the basic functions of the job are to file and retrieve written materials, and telephones actually or usually are handled by other employees, a person whose hearing impairment prevents use of a telephone and who is qualified to do the basic file clerk functions should not be considered unqualified for this position.

2.3(a) Identifying the Essential Functions of a Job

Sometimes it is necessary to identify the essential functions of a job in order to know whether an individual with a disability is "qualified" to do the job. The regulations provide guidance on identifying the essential functions of the job. The first consideration is **whether employees in the position actually are required to perform the function**.

For example: A job announcement or job description for a secretary or receptionist may state that typing is a function of the job. If, in fact, the employer has never or seldom required an employee in that position to type, this could not be considered an essential function.

If a person holding a job does perform a function, the next consideration is **whether removing that function would fundamentally change the job**.

The regulations list several reasons why a function could be considered essential:

1. **The position exists to perform the function**.

For example:

- A person is hired to proofread documents. The ability to proofread accurately is an essential function, because this is the reason that this position exists.
- A company advertises a position for a "floating" supervisor to substitute when regular supervisors on the day, night, and graveyard shifts are absent. The only reason this position exists is to have someone who can work on any of the three shifts in place of an absent supervisor. Therefore, the ability to work at any time of day is an essential function of the job.

2. **There are a limited number of other employees available to perform the function, or among whom the function can be distributed.**

   This may be a factor because there are only a few other employees, or because of fluctuating demands of a business operation.

   > **For example**: It may be an essential function for a file clerk to answer the telephone if there are only three employees in a very busy office and each employee has to perform many different tasks. Or, a company with a large workforce may have periods of very heavy labor-intensive activity alternating with less active periods. The heavy work flow during peak periods may make performance of each function essential, and limit an employer's flexibility to reassign a particular function.

3. **A function is highly specialized, and the person in the position is hired for special expertise or ability to perform it.**

   > **For example**, A company wishes to expand its business with Japan. For a new sales position, in addition to sales experience, it requires a person who can communicate fluently in the Japanese language. Fluent communication in the Japanese language is an essential function of the job.

The regulation also lists several types of **evidence** to be considered in determining whether a function is essential. This list is not all-inclusive, and factors not on the list may be equally important as evidence. Evidence to be considered includes:

a. The employer's judgment

An employer's judgment as to which functions are essential is important evidence. However, the legislative history of the ADA indicates that Congress did not intend that this should be the only evidence, or that it should be the prevailing evidence. Rather, the employer's judgment is a factor to be considered along with other relevant evidence.

However, the consideration of various kinds of evidence to determine which functions are essential does not mean that an employer will be second-guessed on production standards, setting the quality or quantity of work that must be performed by a person holding a job, or be required to set lower standards for the job.

> **For example**: If an employer requires its typists to be able to accurately type 75 words per minute, the employer is not required to show that such speed and accuracy are "essential" to a job or that less accuracy or speed would not be adequate. Similarly, if a hotel requires its housekeepers to thoroughly clean 16 rooms per day, it does not have to justify this standard as "essential." However, in each case, if a person with a disability is disqualified by such a standard, the employer should be prepared to show that it does in fact require employees to perform at this level, that these are not merely paper requirements and that the standard was not established for a discriminatory reason.

b. A written job description prepared before advertising or interviewing applicants for a job

The ADA does not require an employer to develop or maintain job descriptions. A written job description that is prepared before advertising or interviewing applicants for a job will be considered as evidence along with other relevant factors. However, the job description will not be given greater weight than other relevant evidence.

A written job description may state that an employee performs a certain essential function. The job description will be evidence that the function is essential, but if individuals currently performing the job do not in fact perform this function, or perform it very infrequently, a review of the actual work performed will be more relevant evidence than the job description.

If an employer uses written job descriptions, the ADA does not require that they be limited to a description of essential functions or that "essential functions" be identified. However, if an employer wishes to use a job description as evidence of essential functions, it should in some way identify those functions that the employer believes to be important in accomplishing the purpose of the job.

If an employer uses written job descriptions, they should be reviewed to be sure that they accurately reflect the actual functions of the current job. Job descriptions written years ago frequently are inaccurate.

> **For example**: A written job description may state that an employee reads temperature and pressure gauges and adjusts machine controls to reflect these readings. The job description will be evidence that these functions are essential. However, if this job description is not up-to-date, and in fact temperature and pressure are now determined automatically, the machine is controlled by a computer and the current employee does not perform the stated functions or does so very infrequently, a review of actual work performed will be more relevant evidence of what the job requires.

In identifying an essential function to determine if an individual with a disability is qualified, the employer should focus on the purpose of the function and the result to be accomplished, rather than the manner in which the function presently is performed. An individual with a disability may be qualified to perform the function if an accommodation would enable this person to perform the job in a different way, and the accommodation does not impose an undue hardship. Although it may be essential that a function be performed, frequently it is not essential that it be performed in a particular way.

> **For example**: In a job requiring use of a computer, the essential function is the **ability to access, input, and retrieve information from the computer.** It is not "essential" that a person in this job enter information manually, or visually read the information on the computer screen. Adaptive devices or computer software can enable a person without arms or a person with impaired vision to perform the essential functions of the job.

Similarly, an essential function of a job on a loading dock may be to move heavy packages from the dock to a storage room, rather than to lift and carry packages from the dock to the storage room.

(See also discussion of Job Analysis and Essential Functions of a Job, below).

If the employer intends to use a job description as evidence of essential functions, the job description must be prepared before advertising or interviewing for a job; a job description prepared after an alleged discriminatory action will not be considered as evidence.

c. **The amount of time spent performing the function**

For example: If an employee spends most of the time or a majority of the time operating one machine, this would be evidence that operating this machine was an essential function.

d. **The consequences of not requiring a person in this job to perform a function**

Sometimes a function that is performed infrequently may be essential because there will be serious consequences if it is not performed.

For example:

- An airline pilot spends only a few minutes of a flight landing a plane, but landing the plane is an essential function because of the very serious consequences if the pilot could not perform this function.
- A firefighter may only occasionally have to carry a heavy person from a burning building, but being able to perform this function would be essential to the firefighter's job.
- A clerical worker may spend only a few minutes a day answering the telephones, but this could be an essential function if no one else is available to answer the phones at that time, and business calls would go unanswered.

e. **The terms of a collective bargaining agreement**

Where a collective bargaining agreement lists duties to be performed in particular jobs, the terms of the agreement may provide evidence of essential functions. However, like a position description, the agreement would be considered along with other evidence, such as the actual duties performed by people in these jobs.

f. **Work experience of people who have performed a job in the past and work experience of people who currently perform similar jobs**

The work experience of previous employees in a job and the experience of current employees in similar jobs provide pragmatic evidence of actual duties performed. The employer should consult such employees and observe their work operations to identify essential job functions, since the tasks actually performed provide significant evidence of these functions.

g. Other relevant factors

The nature of the work operation and the employer's organizational structure may be factors in determining whether a function is essential.

For example:

- A particular manufacturing facility receives large orders for its product intermittently. These orders must be filled under very tight deadlines. To meet these deadlines, it is necessary that each production worker be able to perform a variety of different tasks with different requirements. All of these tasks are essential functions for a production worker at that facility. However, another facility that receives orders on a continuous basis finds it most efficient to organize an assembly line process, in which each production worker repeatedly performs one major task. At this facility, this single task may be the only essential function of the production worker's job.

- An employer may structure production operations to be carried out by a "team" of workers. Each worker performs a different function, but every worker is required, on a rotating basis, to perform each different function. In this situation, all the functions may be considered to be essential for the job, rather than the function that any one worker performs at a particular time.

Changing Essential Job Functions

The ADA does not limit an employer's ability to establish or change the content, nature, or functions of a job. It is the employer's province to establish what a job is and what functions are required to perform it. The ADA simply requires that an individual with a disability's qualifications for a job are evaluated in relation to its essential functions.

For example: A grocery store may have two different jobs at the checkout stand, one titled, "checkout clerk" and the other "bagger." The essential functions of the checkout clerk are entering the price for each item into a cash register, receiving money, making change, and passing items to the bagger. The essential functions of the bagging job are putting items into bags, giving the bags to the customer directly or placing them in grocery carts.

For legitimate business reasons, the store management decides to combine the two jobs in a new job called "checker-bagger." In the new job, each employee will have to perform the essential functions of both former jobs. Each employee now must enter prices in a new, faster computer-scanner, put the items in bags, give the bags to the customer or place them in carts. The employee holding this job would have to perform all of these functions. There may be some aspects of each function, however, that are not "essential" to the job, or some possible modification in the way these functions are performed, that would enable a person employed as a "checker" whose disability prevented performance of all the bagging operations to do the new job.

For example: If the checker's disability made it impossible to lift any item over one pound, s/he might not be qualified to perform the essential bagging functions of the new job. But if the disability only precluded lifting items of more than 20 pounds, it might be possible for this person to perform the bagging functions, except for the relatively few instances when items or loaded bags weigh more than 20 pounds. If other employees are available who could help this individual with the few heavy items, perhaps in exchange for some incidental functions that they perform, or if this employee could keep filled bags loads under 20 pounds, then bagging loads over 20 pounds would not be an essential function of the new job.

2.3(b) Job Analysis and the "Essential Functions" of a Job

The ADA does not require that an employer conduct a job analysis or any particular form of job analysis to identify the essential functions of a job. The information provided by a job analysis may or may not be helpful in properly identifying essential job functions, depending on how it is conducted.

The term "job analysis" generally is used to describe a formal process in which information about a specific job or occupation is collected and analyzed. Formal job analysis may be conducted by a number of different methods. These methods obtain different kinds of information that is used for different purposes. Some of these methods will not provide information sufficient to determine if an individual with a disability is qualified to perform "essential" job functions.

> **For example**: One kind of formal job analysis looks at specific job tasks and classifies jobs according to how these tasks deal with data, people, and objects. This type of job analysis is used to set wage rates for various jobs; however, it may not be adequate to identify the essential functions of a particular job, as required by the ADA. Another kind of job analysis looks at the kinds of knowledge, skills, and abilities that are necessary to perform a job. This type of job analysis is used to develop selection criteria for various jobs. The information from this type of analysis sometimes helps to measure the importance of certain skills, knowledge and abilities, but it does not take into account the fact that people with disabilities often can perform essential functions using other skills and abilities.

Some job analysis methods ask current employees and their supervisors to rate the importance of general characteristics necessary to perform a job, such as "strength," "endurance," or "intelligence," without linking these characteristics to specific job functions or specific tasks that are part of a function. Such general information may not identify, for example, whether upper body or lower body "strength" is required, or whether muscular endurance or cardiovascular "endurance" is needed to perform a particular job function. Such information, by itself, would not be sufficient to determine whether an individual who has particular limitations can perform an essential function with or without an accommodation.

As already stated, the ADA does not require a formal job analysis or any particular method of analysis to identify the essential functions of a job. A small employer may wish to conduct an informal analysis by observing and consulting with people who perform the job or have previously performed it and their supervisors. If possible, it is advisable to observe and consult with several workers under a range of conditions, to get a better idea of all job functions and the different ways they may be performed. Production records and workloads also may be relevant factors to consider.

To identify essential job functions under the ADA, a job analysis should focus on the purpose of the job and the importance of actual job functions in achieving this purpose. Evaluating "importance" may include consideration of the frequency with which a function is performed, the amount of time spent on the function, and the consequences if the function is not performed. The analysis may include information on the work environment (such as unusual heat, cold, humidity, dust, toxic substances or stress factors). The job analysis may contain information on the manner in which a job currently is performed, but should not conclude that ability to perform the job **in that manner** is an essential function, unless there is no other way to perform the function without causing undue hardship. A job analysis will be most helpful for purposes of the ADA if it focuses on the **results** or **outcome** of a function, not solely on the way it customarily is performed.

For example:

- An essential function of a computer programmer job might be described as "ability to develop programs that accomplish necessary objectives," rather than "ability to manually write programs." Although a person currently performing the job may write these programs by hand, that is not the essential function, because programs can be developed directly on the computer.

- If a job requires mastery of information contained in technical manuals, this essential function would be "ability to learn technical material," rather than "ability to read technical manuals." People with visual and other reading impairments could perform this function using other means, such as audiotapes.

- A job that requires objects to be moved from one place to another should state this essential function. The analysis may note that the person in the job "lifts 50 pound cartons to a height of 3 or 4 feet and loads them into truck-trailers 5 hours daily," but should not identify the "ability to manually lift and load 50 pound cartons" as an essential function unless this is the only method by which the function can be performed without causing an undue hardship.

A job analysis that is focused on outcomes or results also will be helpful in establishing appropriate qualification standards, developing job descriptions, conducting interviews, and selecting people in accordance with ADA requirements. It will be particularly useful in helping to identify accommodations that will enable an individual with specific functional abilities and limitations to perform the job. (See Chapter III.)

2.3(c) Perform Essential Functions "With or Without Reasonable Accommodation"

Many individuals with disabilities are qualified to perform the essential functions of jobs without need of any accommodation. However, if an individual with a disability who is otherwise qualified cannot perform one or more essential job functions because of his or her disability, the employer, in assessing whether the person is qualified to do the job, must consider whether there are modifications or adjustments that would enable the person to perform these functions. Such modifications or adjustments are called **"reasonable accommodations."**

Reasonable accommodation is a key nondiscrimination requirement under the ADA. An employer must first consider reasonable accommodation in determining whether an individual with a disability is qualified; reasonable accommodation also must be considered when making many other employment decisions regarding people with disabilities. The following chapter discusses the employer's obligation to provide reasonable accommodation and the limits to that obligation. The chapter also provides examples of reasonable accommodations.

III. THE REASONABLE ACCOMMODATION OBLIGATION

3.1 Overview of Legal Obligations

- An employer must provide a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would impose an undue hardship on the business.
- Reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity.
- The obligation to provide a reasonable accommodation applies to all aspects of employment. This duty is ongoing and may arise any time that a person's disability or job changes.
- An employer cannot deny an employment opportunity to a qualified applicant or employee because of the need to provide reasonable accommodation, unless it would cause an undue hardship.
- An employer does not have to make an accommodation for an individual who is not otherwise qualified for a position.
- Generally, it is the obligation of an individual with a disability to request a reasonable accommodation.
- A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, s/he may not be qualified for the job.
- If the cost of an accommodation would impose an undue hardship on the employer, the individual with a disability should be given the option of providing the accommodation or paying that portion of the cost which would constitute an undue hardship.

3.2 Why Is a Reasonable Accommodation Necessary?

Reasonable accommodation is a key nondiscrimination requirement of the ADA because of the special nature of discrimination faced by people with disabilities. Many people with disabilities can perform jobs without any need for accommodations. But many others are excluded from jobs that they are qualified to perform because of unnecessary barriers in the workplace and the work environment. The ADA recognizes that such barriers may discriminate against qualified people with disabilities just as much as overt exclusionary practices. For this reason, the ADA requires **reasonable accommodation** as a means of overcoming unnecessary barriers that prevent or restrict employment opportunities for otherwise qualified individuals with disabilities.

People with disabilities are restricted in employment opportunities by many different kinds of barriers. Some face physical barriers that make it difficult to get into and around a work site or to use necessary work equipment. Some are excluded or limited by the way people communicate with each other. Others are excluded because of rigid work schedules that allow no flexibility for people with special needs caused by disability. Many are excluded only by barriers in other people's minds; these include unfounded fears, stereotypes, presumptions, and misconceptions about job performance, safety, absenteeism, costs, or acceptance by co-workers and customers.

Under the ADA, when an individual with a disability is qualified to perform the essential functions of a job except for functions that cannot be performed because of related limitations and existing job barriers, an employer must try to find a reasonable accommodation that would enable this person to perform these functions. The reasonable accommodation should reduce or eliminate unnecessary barriers between the individual's abilities and the requirements for performing the essential job functions.

3.3 What Is a Reasonable Accommodation?

Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. An equal employment opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability. The ADA requires reasonable accommodation in three aspects of employment:

- **to ensure equal opportunity in the application process;**
- **to enable a qualified individual with a disability to perform the essential functions of a job; and**
- **to enable an employee with a disability to enjoy equal benefits and privileges of employment.**

Reasonable Accommodation in the Application Process

Reasonable accommodation must be provided in the job application process to enable a qualified applicant to have an equal opportunity to be considered for a job.

> **For example**: A person who uses a wheelchair may need an accommodation if an employment office or interview site is not accessible. A person with a visual disability or a person who lacks manual dexterity may need assistance in filling out an application form. Without such accommodations, these individuals may have no opportunity to be considered for a job.
>
> (See Chapter V. for further discussion of accommodations in the application process).

Accommodations to Perform the Essential Functions of a Job

Reasonable accommodation must be provided to enable a qualified applicant to perform the essential functions of the job s/he is seeking, and to enable a qualified employee with a disability to perform the essential functions of a job currently held. Modifications or adjustments may be required in the work environment, in the manner or circumstances in which the job customarily is performed, or in employment policies. Many accommodations of this nature are discussed later in this chapter.

Accommodations to Ensure Equal Benefits of Employment

Reasonable accommodations must be provided to enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by similarly situated nondisabled employees.

> **For example**: Employees with disabilities must have equal access to lunchrooms, employee lounges, rest rooms, meeting rooms, and other employer-provided or sponsored services such as health programs, transportation, and social events.
> (See Chapter VII for further discussion of this requirement).

3.4 Some Basic Principles of Reasonable Accommodation

A reasonable accommodation must be an effective accommodation. It must provide an opportunity for a person with a disability to achieve the same level of performance or to enjoy benefits or privileges equal to those of an average similarly-situated nondisabled person. However, the accommodation does not have to ensure equal results or provide exactly the same benefits or privileges.

> **For example**: An employer provides an employee lunchroom with food and beverages on the second floor of a building that has no elevator. If it would be an undue hardship to install an elevator for an employee who uses a wheelchair, the employer must provide a comparable facility on the first floor. The facility does not have to be exactly the same as that on the second floor, but must provide food, beverages and space for the disabled employee to eat with co-workers. It would not be a reasonable accommodation merely to provide a place for this employee to eat by himself. Nor would it be a reasonable accommodation to provide a separate facility for the employee if access to the common facility could be provided without undue hardship. For example, if the lunchroom was only several steps up, a portable ramp could provide access.

The reasonable accommodation obligation applies only to accommodations that reduce barriers to employment related to a person's disability; it does not apply to accommodations that a disabled person may request for some other reason.

> **For example**: Reassignment is one type of accommodation that may be required under the ADA. If an employee whose job requires driving loses her sight, reassignment to a vacant position that does not require driving would be a reasonable accommodation, if the employee is qualified for that position with or without an accommodation. However, if a blind computer operator working at an employer's Michigan facility requested reassignment to a facility in Florida because he prefers to work in a warmer climate, this would not be a reasonable accommodation required by the ADA. In the second case, the accommodation is not needed because of the employee's disability.

A reasonable accommodation need not be the best accommodation available, as long as it is effective for the purpose; that is, it gives the person with a disability an equal opportunity to be considered for a job, to perform the essential functions of the job, or to enjoy equal benefits and privileges of the job.

> **For example**: An employer would not have to hire a full-time reader for a blind employee if a co-worker is available as a part-time reader when needed, and this will enable the blind employee to perform his job duties effectively.

An employer is not required to provide an accommodation that is primarily for personal use. Reasonable accommodation applies to modifications that specifically assist an individual in performing the duties of a particular job. Equipment or devices that assist a person in daily activities on and off the job are considered personal items that an employer is not required to provide. However, in some cases, equipment that otherwise would be considered "personal" may be required as an accommodation if it is specifically designed or required to meet job-related rather than personal needs.

> **For example**: An employer generally would not be required to provide personal items such as eyeglasses, a wheelchair, or an artificial limb. However, the employer might be required to provide a person who has a visual impairment with glasses that are specifically needed to use a computer monitor. Or, if deep pile carpeting in a work area makes it impossible for an individual to use a manual wheelchair, the employer may need to replace the carpet, place a usable surface over the carpet in areas used by the employee, or provide a motorized wheelchair.

The ADA's requirements for certain types of adjustments and modifications to meet the reasonable accommodation obligation do not prevent an employer from providing accommodations beyond those required by the ADA.

> **For example**: "Supported employment" programs may provide free job coaches and other assistance to enable certain individuals with severe disabilities to learn and/or to progress in jobs. These programs typically require a range of modifications and adjustments to customary employment practices. Some of these modifications may also be required by the ADA as reasonable accommodations. However, supported employment programs may require modifications beyond those **required** under the ADA, such as restructuring of essential job functions. Many employers have found that supported employment programs are an excellent source of reliable productive new employees. Participation in these programs advances the underlying goal of the ADA - - to increase employment opportunities for people with disabilities. Making modifications for supported employment beyond those required by the ADA in no way violates the ADA.

3.5 Some Examples of Reasonable Accommodation

The statute and EEOC's regulations provide examples of common types of reasonable accommodation that an employer may be required to provide, but many other accommodations may be appropriate for particular situations. Accommodations may include:

- **making facilities readily accessible to and usable by an individual with a disability;**

- **restructuring a job by reallocating or redistributing marginal job functions;**

- **altering when or how an essential job function is performed;**

- **part-time or modified work schedules;**

- **obtaining or modifying equipment or devices;**

- **modifying examinations, training materials or policies;**

- **providing qualified readers and interpreters;**

- **reassignment to a vacant position;**

- **permitting use of accrued paid leave or unpaid leave for necessary treatment;**

- **providing reserved parking for a person with a mobility impairment;**

- **allowing an employee to provide equipment or devices that an employer is not required to provide.**

These and other types of reasonable accommodation are discussed in the pages that follow. However, the examples in this Manual cannot cover the range of potential accommodations, because every reasonable accommodation must be determined on an individual basis. A reasonable accommodation always must take into consideration two unique factors:

- **the specific abilities and functional limitations of a particular applicant or employee with a disability; and**

- **the specific functional requirements of a particular job.**

In considering an accommodation, the focus should be on the abilities and limitations of the **individual**, not on the name of a disability or a particular physical or mental condition. This is necessary because people who have any particular disability may have very different abilities and limitations. Conversely, people with different kinds of disabilities may have similar functional limitations.

> **For example**: If it is an essential function of a job to press a foot pedal a certain number of times a minute and an individual with a disability applying for the job has some limitation that makes this difficult or impossible, the accommodation process should focus on ways that this person might be able to do the job function, not on the nature of her disability or on how persons with this kind of disability generally might be able to perform the job.

3.6 Who Is Entitled to a Reasonable Accommodation?

As detailed in Chapter II, an individual is entitled to a reasonable accommodation if s/he:

> **meets the ADA definition of "a qualified individual with a disability" (meets all prerequisites for performing the essential functions of a job [being considered for a job or enjoying equal benefits and privileges of a job] except any that cannot be met because of a disability).**

If there is a reasonable accommodation that will enable this person to perform the essential functions of a job (be considered, or receive equal benefits, etc.), the employer is obligated to provide it, unless it would impose an undue hardship on the operation of the business.

When is an Employer Obligated to Make a Reasonable Accommodation?

An employer is obligated to make an accommodation only to the known limitations of an otherwise qualified individual with a disability. In general, it is the responsibility of the applicant or employee with a disability to inform the employer that an accommodation is needed to participate in the application process, to perform essential job functions or to receive equal benefits and privileges of employment. An employer is not required to provide an accommodation if unaware of the need.

However, the employer is responsible for **notifying** job applicants and employees of its obligation to provide accommodations for otherwise qualified individuals with disabilities.

The ADA requires an employer to **post notices** containing the provisions of the ADA, including the reasonable accommodation obligation, in conspicuous places on its premises. Such notices should be posted in employment offices and other places where applicants and employees can readily see them. EEOC provides posters for this purpose. (See Chapter I for additional information on the required notice.)

Information about the reasonable accommodation obligation also can be included in job application forms, job vacancy notices, and in personnel manuals, and may be communicated orally.

An applicant or employee does not have to specifically request a "reasonable accommodation," but must only let the employer know that some adjustment or change is needed to do a job because of the limitations caused by a disability.

If a job applicant or employee has a "hidden" disability - - one that is not obvious - - it is up to that individual to make the need for an accommodation known. If an applicant has a known disability, such as a visible disability, that appears to limit, interfere with, or prevent the individual from performing job-related functions, the employer may ask the applicant to describe or demonstrate how s/he would perform the function with or without a reasonable accommodation. Chapter V provides guidance on how to make such an inquiry without violating the ADA prohibition against pre-employment inquiries in the application and interview process.

If an employee with a known disability is not performing well or is having difficulty in performing a job, the employer should assess whether this is due to a disability. The employer may inquire at any time whether the employee needs an accommodation.

Documentation of Need for Accommodation

If an applicant or employee requests an accommodation and the need for the accommodation is not obvious, or if the employer does not believe that the accommodation is needed, the employer may request documentation of the individual's functional limitations to support the request.

> **For example**: An employer may ask for written documentation from a doctor, psychologist, rehabilitation counselor, occupational or physical therapist, independent living specialist, or other professional with knowledge of the person's functional limitations. Such documentation might indicate, for example, that this person cannot lift more than 15 pounds without assistance.

3.7 How Does an Employer Determine What Is a Reasonable Accommodation?

When a qualified individual with a disability requests an accommodation, the employer must make a reasonable effort to provide an accommodation that is effective for the individual (gives the individual an equally effective opportunity to apply for a job, perform essential job functions, or enjoy equal benefits and privileges).

In many cases, an appropriate accommodation will be obvious and can be made without difficulty and at little or no cost. Frequently, the individual with a disability can suggest a simple change or adjustment, based on his or her life or work experience.

An employer should always consult the person with the disability as the first step in considering an accommodation. Often this person can suggest much simpler and less costly accommodations than the employer might have believed necessary.

> **For example**: A small employer believed it necessary to install a special lower drinking fountain for an employee using a wheelchair, but the employee indicated that he could use the existing fountain if paper cups were provided in a holder next to the fountain.

However, in some cases, the appropriate accommodation may not be so easy to identify. The individual requesting the accommodation may not know enough about the equipment being used or the exact nature of the worksite to suggest an accommodation, or the employer may not know enough about the individual's functional limitations in relation to specific job tasks.

In such cases, the employer and the individual with a disability should work together to identify the appropriate accommodation. EEOC regulations require, when necessary, an informal, interactive process to find an effective accommodation. The process is described below in relation to an accommodation that will enable an individual with a disability to perform the essential functions of a job. However, the same approach can be used to identify accommodations for job applicants and accommodations to provide equal benefits and privileges of employment.

3.8 A process for identifying a reasonable accommodation

1. **Look at the particular job involved. Determine its purpose and its essential functions.**

Chapter II recommended that the essential functions of the job be identified before advertising or interviewing for a job. However, it is useful to reexamine the specific job at this point to determine or confirm its essential functions and requirements.

2. **Consult with the individual with a disability to find out his or her specific physical or mental abilities and limitations** as they relate to the essential job functions. Identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.

3. **In consultation with the individual, identify potential accommodations** and **assess how effective** each would be in enabling the individual to perform essential job functions. If this consultation does not identify an appropriate accommodation, technical assistance is available from a number of sources, many without cost. There are also financial resources to help with accommodation costs. (See Financial and Technical Assistance for Accommodations, **4.1** below).

4. If there are several effective accommodations that would provide an equal employment opportunity, consider **the preference of the individual** with a disability and **select the accommodation** that **best serves the needs of the individual and the employer**.

   If more than one accommodation would be effective for the individual with a disability, or if the individual would prefer to provide his or her own accommodation, the individual's preference should be given first consideration. However, the employer is free to choose among effective accommodations, and may choose one that is less expensive or easier to provide.

   The fact that an individual is willing to provide his or her own accommodation does not relieve the employer of the duty to provide this or another reasonable accommodation should this individual for any reason be unable or unwilling to continue to provide the accommodation.

Examples of the Reasonable Accommodation Process:

- A "sack-handler" position requires that the employee in this job pick up 50 pound sacks from a loading dock and carry them to the storage room. An employee who is disabled by a back impairment requests an accommodation. The employer analyzes the job and finds that its real purpose and essential function is to move the sacks from the loading dock to the store room. The person in the job does not necessarily have to lift and carry the sacks. The employer consults with the employee to determine his exact physical abilities and limitations. With medical documentation, it is determined that this person can lift 50 pound sacks to waist level, but cannot carry them to the storage room. A number of potential accommodations are identified: use of a dolly, a hand-truck or a cart. The employee prefers the dolly. After considering the relative cost, efficiency, and availability of the alternative accommodations, and after considering the preference of the employee, the employer provides the dolly as an accommodation. In this case, the employer found the dolly to be the most cost-effective accommodation, as well as the one preferred by the employee. If the employer had found a hand-truck to be as efficient, it could have provided the hand-truck as a reasonable accommodation.

- A company has an opening for a warehouse foreman. Among other functions, the job requires checking stock for inventory, completing bills of lading and other reports, and using numbers. To perform these functions, the foreman must have good math skills. An individual with diabetes who has good experience performing similar warehouse supervisory functions applies for the job. Part of the application process is a computerized test for math skills, but the job itself does not require use of a computer. The applicant tells the employer that although he has no problem reading print, his disability causes some visual impairment which makes it difficult to read a computer screen. He says he can take the test if it is printed out by the computer. However, this accommodation won't work, because the computer test is interactive, and the questions change based on the applicant's replies to each previous question. Instead, the employer offers a reader as an accommodation; this provides an effective equivalent method to test the applicant's math skills.

An individual with a disability is not required to accept an accommodation if the individual has not requested an accommodation and does not believe that one is needed. However, if the individual refuses an accommodation necessary to perform essential job functions, and as a result cannot perform those functions, the individual may not be considered qualified.

For example: An individual with a visual impairment that restricts her field of vision but who is able to read would not be required to accept a reader as an accommodation. However, if this person could not read accurately unaided, and reading is an essential function of the job, she would not be qualified for the job if she refused an accommodation that would enable her to read accurately.

3.9 The Undue Hardship Limitation

An employer is not required to make a reasonable accommodation if it would impose an undue hardship on the operation of the business. However, if a particular accommodation would impose an undue hardship, the employer must consider whether there are alternative accommodations that would not impose such hardship.

An undue hardship is an action that requires "**significant difficulty or expense**" in relation to the size of the employer, the resources available, and the nature of the operation.

Accordingly, whether a particular accommodation will impose an undue hardship must always be determined on a **case-by-case basis**. An accommodation that poses an undue hardship for one employer at a particular time may not pose an undue hardship for another employer, or even for the same employer at another time. In general, a larger employer would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer.
The concept of undue hardship includes any action that is:

- **unduly costly;**
- **extensive;**
- **substantial;**
- **disruptive; or**
- **that would fundamentally alter the nature or operation of the business.**

The statute and regulations provide **factors to be considered** in determining whether an accommodation would impose an undue hardship on a particular business:

1. **The nature and net cost of the accommodation needed**. The cost of an accommodation that is considered in determining undue hardship will be the actual cost to the employer. Specific Federal tax credits and tax deductions are available to employers for making accommodations required by the ADA, and there are also sources of funding to help pay for some accommodations. If an employer can receive tax credits or tax deductions or partial

funding for an accommodation, only the net cost to the employer will be considered in a determination of undue hardship. (See Financial and Technical Assistance for Accommodations, **4.1** below);

2. **The financial resources of the facility making the accommodation, the number of employees at this facility, and the effect on expenses and resources of the facility.**

   If an employer has only one facility, the cost and impact of the accommodation will be considered in relation to the effect on expenses and resources of that facility. However, if the facility is part of a larger entity that is covered by the ADA, factors **3.** and **4.** below also will be considered in determinations of undue hardship.

3. **The overall financial resources, size, number of employees, and type and location of facilities of the entity covered by the ADA** (if the facility involved in the accommodation is part of a larger entity).

4. **The type of operation of the covered entity, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the larger entity.**

   Factor 4. may include consideration of special types of employment operations, on a case-by-case basis, where providing a particular accommodation might be an undue hardship.

   > **For example:** It might "fundamentally alter" the nature of a temporary construction site or be unduly costly to make it physically accessible to an employee using a wheelchair, if the terrain and structures are constantly changing as construction progresses.

   Factor 4. will be considered, along with factors 2. and 3., where a covered entity operates more than one facility, in order to assess the financial resources actually available to the facility making the accommodation, in light of the interrelationship between the facility and the covered entity. In some cases, consideration of the resources of the larger covered entity may not be justified, because the particular facility making the accommodation may not have access to those resources.

For example: A local, independently owned fast food franchise of a national company that receives no funding from that company may assert that it would be an undue hardship to provide an interpreter to enable a deaf applicant for store manager to participate in weekly staff meetings, because its own resources are inadequate and it has no access to resources of the national company. If the financial relationship between the national company and the local company is limited to payment of an annual franchise fee, only the resources of the local franchise would be considered in determining whether this accommodation would be an undue hardship. However, if the facility was part of a national company with financial and administrative control over all of its facilities, the resources of the company as a whole would be considered in making this determination.

5. **The impact of the accommodation on the operation of the facility that is making the accommodation.**

This may include the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

An employer may be able to show that providing a particular accommodation would be unduly disruptive to its other employees or to its ability to conduct business.

For example: If an employee with a disability requested that the thermostat in the workplace be raised to a certain level to accommodate her disability, and this level would make it uncomfortably hot for other employees or customers, the employer would not have to provide this accommodation. However, if there was an alternative accommodation that would not be an undue hardship, such as providing a space heater or placing the employee in a room with a separate thermostat, the employer would have to provide that accommodation.

For example: A person with a visual impairment who requires bright light to see well applies for a waitress position at an expensive nightclub. The club maintains dim lighting to create an intimate setting, and lowers its lights further during the floor show. If the job applicant requested bright lighting as an accommodation so that she could see to take orders, the employer could assert that this would be an undue hardship, because it would seriously affect the nature of its operation.

In determining whether an accommodation would cause an undue hardship, an employer may consider the impact of an accommodation on the ability of other employees to do their jobs. However, an employer may not claim undue hardship solely because providing an accommodation has a negative impact on the **morale** of other employees. Nor can an employer claim undue hardship because of "disruption" due to employees' fears about, or prejudices toward, a person's disability.

> **For example**: If restructuring a job to accommodate an individual with a disability creates a heavier workload for other employees, this may constitute an undue hardship. But if other employees complain because an individual with a disability is allowed to take additional unpaid leave or to have a special flexible work schedule as a reasonable accommodation, such complaints or other negative reactions would not constitute an undue hardship.
>
> **For example**: If an employee objects to working with an individual who has a disability because the employee feels uncomfortable or dislikes being near this person, this would not constitute an undue hardship. In this case, the problem is caused by the employee's fear or prejudice toward the individual's disability, not by an accommodation.

Problems of employee morale and employee negative attitudes should be addressed by the employer through appropriate consultations with supervisors and, where relevant, with union representatives. Employers also may wish to provide supervisors, managers and employees with "awareness" training, to help overcome fears and misconceptions about disabilities, and to inform them of the employer's obligations under the ADA.

Other Cost Issues

An employer may not claim undue hardship simply because the cost of an accommodation is high in relation to an employee's wage or salary. When enacting the ADA "factors" for determining undue hardship, Congress rejected a proposed amendment that would have established an undue hardship if an accommodation exceeded 10% of an individual's salary. This approach was rejected because it would unjustifiably harm lower-paid workers who need accommodations. Instead, Congress clearly established that the focus for determining undue hardship should be the resources available to the employer.

If an employer finds that the cost of an accommodation would impose an undue hardship and no funding is available from another source, an applicant or employee with a disability should be offered the option of paying for the portion of the cost that constitutes an undue hardship, or of providing the accommodation.

> **For example**: If the cost of an assistive device is $2000, and an employer believes that it can demonstrate that spending more than $1500 would be an undue hardship, the individual with a disability should be offered the option of paying the additional $500. Or, if it would be an undue hardship for an employer to purchase brailling equipment for a blind applicant, the applicant should be offered the option of providing his own equipment (if there is no other effective accommodation that would not impose an undue hardship).

The terms of a collective bargaining agreement may be relevant in determining whether an accommodation would impose an undue hardship.

> **For example**: A worker who has a deteriorated disc condition and cannot perform the heavy labor functions of a machinist job, requests reassignment to a vacant clerk's job as a reasonable accommodation. If the collective bargaining agreement has specific seniority lists and requirements governing each craft, it might be an undue hardship to reassign this person if others had seniority for the clerk's job.
>
> However, since both the employer and the union are covered by the ADA's requirements, including the duty to provide a reasonable accommodation, the employer should consult with the union and try to work out an acceptable accommodation.

To avoid continuing conflicts between a collective bargaining agreement and the duty to provide reasonable accommodation, employers may find it helpful to seek a provision in agreements negotiated after the effective date of the ADA permitting the employer to take all actions necessary to comply with this law. (See Chapter VII.)

3.10 Examples of Reasonable Accommodations

1. Making Facilities Accessible and Usable

The ADA establishes different requirements for accessibility under different sections of the Act. A **private employer's** obligation to make its facilities accessible to its job applicants and employees under Title I of the ADA differs from the obligation of a place of **public accommodation** to provide access in existing facilities to its customers and clients, and from the obligations of public accommodations and **commercial facilities** to provide accessibility in renovated or newly constructed buildings under Title III of the Act. The obligation of a **state and local government** to provide access for applicants and employees under Title I also differs from its obligation to provide accessibility under Title II of the ADA.

The employer's obligation under Title I is to provide access for an individual applicant to participate in the job application process, and for an individual employee with a disability to perform the essential functions of his/her job, including access to a building, to the work site, to needed equipment, and to all facilities used by employees. The employer must provide such access unless it would cause an undue hardship.

Under Title I, an employer is not required to make its existing facilities accessible until a particular applicant or employee with a particular disability needs an accommodation, and then the modifications should meet that individual's work needs. The employer does not have to make changes to provide access in places or facilities that will not be used by that individual for employment related activities or benefits.

In contrast, Title III of the ADA requires that places of public accommodation (such as banks, retail stores, theaters, hotels and restaurants) make their goods and services accessible generally, to all people with disabilities. Under Title III, existing buildings and facilities of a public accommodation must be made accessible by removing architectural barriers or communications barriers that are structural in nature, if this is "readily achievable." If this is not "readily achievable," services must be provided to people with disabilities in some alternative manner if this is "readily achievable."

The obligation for state and local governments to provide "program accessibility" in existing facilities under Title II also differs from their obligation to provide access as employers under Title I. Title II requires that these governments operate each service, program or activity in existing facilities so that, when viewed in its entirety, it is readily accessible to and useable by persons with disabilities, unless this would cause a "fundamental alteration" in the nature of the program or service, or would result in "undue financial and administrative burdens."

In addition, private employers that occupy commercial facilities or operate places of public accommodation and state and local governments must conform to more extensive accessibility requirements under Title III and Title II when making alterations to existing facilities or undertaking new construction. (see Requirements for Renovation and New Construction below.)

The accessibility requirements under Title II and III are established in Department of Justice regulations. Employers may contact the Justice Department's **Office on the Americans with Disabilities Act** for information on these requirements and for copies of the regulations with applicable accessibility guidelines (see Resource Directory).

When making changes to meet an individual's needs under Title I, an employer will find it helpful to consult the applicable Department of Justice accessibility guidelines as a starting point. It is advisable to make changes that conform to these guidelines, if they meet the individual's needs and do not impose an undue hardship, since such changes will be useful in the future for accommodating others. However, even if a modification meets the standards required under Title II or III, further adaptations may be needed to meet the needs of a particular individual.

> **For example**: A restroom may be modified to meet standard accessibility requirements (including wider door and stalls, and grab bars in specified locations) but it may be necessary to install a lower grab bar for a very short person in a wheelchair so that this person can transfer from the chair to the toilet.

Although the requirement for accessibility in employment is triggered by the needs of a particular individual, employers should consider initiating changes that will provide general accessibility, particularly for job applicants, since it is likely that people with disabilities will apply for jobs in the future.

> **For example**: Employment offices and interview facilities should be accessible to people using wheelchairs and others with mobility impairments. Plans also should be in place for making job information accessible and for communicating with people who have visual or hearing impairments. (See Chapter V. for additional guidance on accommodation in the application process.)

Accessibility to Perform the Essential Functions of the Job

The obligation to provide accessibility for a qualified individual with a disability includes accessibility of the job site itself and all work-related facilities.

Examples of accommodations that may be needed to make facilities accessible and usable include:

- installing a ramp at the entrance to a building;
- removing raised thresholds;
- reserving parking spaces close to the work site that are wide enough to allow people using wheelchairs to get in and out of vehicles;
- making restrooms accessible, including toilet stalls, sinks, soap, and towels;
- rearranging office furniture and equipment;
- making a drinking fountain accessible (for example, by installing a paper cup dispenser);
- making accessible, and providing an accessible "path of travel" to, equipment and facilities used by an employee, such as copying machines, meeting and training rooms, lunchrooms and lounges;
- removing obstacles that might be potential hazards in the path of people without vision;
- adding flashing lights when alarm bells are normally used, to alert an employee with a hearing impairment to emergencies.

Requirements for Renovation or New Construction

While an employer's requirements for accessibility under Title I relate to accommodation of an individual, as described above, employers will have more extensive accessibility requirements under Title II or III of the ADA if they make renovations to their facilities or undertake new construction.

Title III of the ADA requires that any alterations to, or new construction of "**commercial facilities**," as well as places of **public accommodation**, made after January 26, 1992, must conform to the "ADA Accessibility Guidelines" (incorporated in Department of Justice Title III regulations). "Commercial facilities" are defined as any nonresidential facility whose operations affect commerce, including office buildings, factories and warehouses; therefore, the facilities of most employers will be subject to this requirement. An alteration is any change that affects the "usability" of a facility; it does not include normal maintenance, such as painting, roofing or changes to mechanical or electrical systems, unless the changes affect the "usability" of the facility.

> **For example**: If, during remodeling or renovation, a doorway is relocated, the new doorway must be wide enough to meet the requirements of the ADA Accessibility Guidelines.

Under Title III, all newly constructed public accommodations and commercial facilities for which the last building permit is certified after January 26, 1992, and which are occupied after January 26, 1993, must be accessible in accordance with the standards of the ADA Accessibility Guidelines. However, Title III does not require elevators in facilities under 3 stories or with less than 3000 square feet per floor, unless the building is a shopping center, mall, professional office of a health provider, or public transportation station.

Under Title II, any alterations to, or new construction of, State or local government facilities made after January 26, 1992, must conform either with the ADA Accessibility Guidelines (however, the exception regarding elevators does not apply to State or local governments) or with the Uniform Federal Accessibility Standards. Facilities under design on January 26, 1992 must comply with this requirement if bids were invited after that date.

Providing accessibility in remodeled and new buildings usually can be accomplished at minimal additional cost. Over time, fully accessible new and remodeled buildings will reduce the need for many types of individualized reasonable accommodations. Employers planning alterations to their facilities or new construction should contact the **Office on the Americans with Disabilities Act** in the **U.S. Department of Justice** for information on accessibility requirements, including the ADA Accessibility Guidelines and the Uniform Federal Accessibility Guidelines. Employers may get specific technical information and guidance on accessibility by calling, toll-free, the Architectural and

Transportation Barriers Compliance Board, at 1-800-USA-ABLE. (See Resource Directory.)

2. Job Restructuring

Job restructuring or job modification is a form of reasonable accommodation which enables many qualified individuals with disabilities to perform jobs effectively. Job restructuring as a reasonable accommodation may involve reallocating or redistributing the marginal functions of a job. However, an employer is not required to reallocate essential functions of a job as a reasonable accommodation. Essential functions, by definition, are those that a qualified individual must perform, with or without an accommodation.

> **For example**: Inspection of identification cards is generally an essential function of the job of a security job. If a person with a visual impairment could not verify the identification of an individual using the photo and other information on the card, the employer would not be required to transfer this function to another employee.

Job restructuring frequently is accomplished by exchanging marginal functions of a job that cannot be performed by a person with a disability for marginal job functions performed by one or more other employees.

> **For example**: An employer may have two jobs, each containing essential functions and a number of marginal functions. The employer may hire an individual with a disability who can perform the essential functions of one job and some, but not all, of the marginal functions of both jobs. As an accommodation, the employer may redistribute the marginal functions so that all of the functions that can be performed by the person with a disability are in this person's job and the remaining marginal functions are transferred to the other job.

Although an employer is not required to reallocate essential job functions, it may be a reasonable accommodation to modify the essential functions of a job by changing **when** or **how** they are done.

For example:

- An essential function that is usually performed in the early morning might be rescheduled to be performed later in the day, if an individual has a disability that makes it impossible to perform this function in the morning, and this would not cause an undue hardship.
- A person who has a disability that makes it difficult to write might be allowed to computerize records that have been maintained manually.
- A person with mental retardation who can perform job tasks but has difficulty remembering the order in which to do the tasks might be provided with a list to check off each task; the checklist could be reviewed by a supervisor at the end of the day.

Technical assistance in restructuring or modifying jobs for individuals with specific limitations can be obtained from state vocational rehabilitation agencies and other organizations with expertise in job analysis and job restructuring for people with various disabilities. (See Job Restructuring and Job Modification in Resource Directory Index.)

3. Modified Work Schedules

An employer should consider modification of a regular work schedule as a reasonable accommodation unless this would cause an undue hardship. Modified work schedules may include flexibility in work hours or the work week, or part-time work, where this will not be an undue hardship.

Many people with disabilities are fully qualified to perform jobs with the accommodation of a modified work schedule. Some people are unable to work a standard 9-5 work day, or a standard Monday to Friday work week; others need some adjustment to regular schedules.

Some examples of modified work schedules as a reasonable accommodation:

- An accountant with a mental disability required two hours off, twice weekly, for sessions with a psychiatrist. He was permitted to take longer lunch breaks and to make up the time by working later on those days.

- A machinist has diabetes and must follow a strict schedule to keep blood sugar levels stable. She must eat on a regular schedule and take insulin at set times each day. This means that she cannot work the normal shift rotations for machinists. As an accommodation, she is assigned to one shift on a permanent basis.

- An employee who needs kidney dialysis treatment is unable to work on two days because his treatment is only available during work hours on weekdays. Depending on the nature of his work and the nature of the employer's operation, it may be possible, without causing an undue hardship, for him to work Saturday and Sunday in place of the two weekdays, to perform work assignments at home on the weekend, or to work three days a week as part-time employee.

People whose disabilities may need modified work schedules include those who require special medical treatment for their disability (such as cancer patients, people who have AIDS, or people with mental illness); people who need rest periods (including some people who have multiple sclerosis, cancer, diabetes, respiratory conditions, or mental illness); people whose disabilities (such as diabetes) are affected by eating or sleeping schedules; and people with mobility and other impairments who find it difficult to use public transportation during peak hours, or who must depend upon special para-transit schedules.

4. Flexible Leave Policies

Flexible leave policies should be considered as a reasonable accommodation when people with disabilities require time off from work because of their disability. An employer is not required to provide additional paid leave as an accommodation, but should consider allowing use of accrued leave, advanced leave, or leave without pay, where this will not cause an undue hardship.

People with disabilities may require special leave for a number of reasons related to their disability, such as:

- medical treatment related to the disability;

- repair of a prosthesis or equipment;

- temporary adverse conditions in the work environment (for example, an air-conditioning breakdown causing temperature above 85 degrees could seriously harm the condition of a person with multiple sclerosis);

- training in the use of an assistive device or a dog guide. (However, if an assistive device is used at work and provided as a reasonable accommodation, and if other employees receive training during work hours, the disabled employee should receive training on this device during work hours, without need to take leave.)

5. Reassignment to a Vacant Position

In general, the accommodation of reassignment should be considered only when an accommodation is not possible in an employee's present job, or when an accommodation in the employee's present job would cause an undue hardship. Reassignment also may be a reasonable accommodation if both employer and employee agree that this is more appropriate than accommodation in the present job.

Consideration of reassignment is only required for **employees**. An employer is not required to consider a different position for a job applicant if s/he is not able to perform the essential functions of the position s/he is applying for, with or without reasonable accommodation.

Reassignment may be an appropriate accommodation when an employee becomes disabled, when a disability becomes more severe, or when changes or technological developments in equipment affect the job performance of an employee with a disability. If there is no accommodation that will enable the person to perform the present job, or if it would be an undue hardship for the employer to provide such accommodation, reassignment should be considered.

Reassignment may not be used to limit, segregate, or otherwise discriminate against an employee with a disability. An employer may not reassign people with disabilities only to certain undesirable positions, or only to certain offices or facilities.

Reassignment should be made to a position equivalent to the one presently held in terms of pay and other job status, if the individual is qualified for the position and if such a position is vacant or will be vacant within a reasonable amount of time. A "reasonable amount of time" should be determined on a case-by-case basis, considering relevant factors such as the types of jobs for which the employee with a disability would be qualified; the frequency with which such jobs become available; the employer's general policies regarding reassignments of employees; and any specific policies regarding sick or injured employees.

> **For example**: If there is no vacant position available at the time that an individual with a disability requires a reassignment, but the employer knows that an equivalent position for which this person is qualified will become vacant within one or two weeks, the employer should reassign the individual to the position when it becomes available.

An employer may reassign an individual to a lower graded position if there are no accommodations that would enable the employee to remain in the current position and there are no positions vacant or soon to be vacant for which the employee is qualified (with or without an accommodation). In such a situation, the employer does not have to maintain the individual's salary at the level of the higher graded position, unless it does so for other employees who are reassigned to lower graded positions.

An employer is not required to create a new job or to bump another employee from a job in order to provide reassignment as a reasonable accommodation. Nor is an employer required to promote an individual with a disability to make such an accommodation.

6. Acquisition or Modification of Equipment and Devices

Purchase of equipment or modifications to existing equipment may be effective accommodations for people with many types of disabilities.

There are many devices that make it possible for people to overcome existing barriers to performing functions of a job. These devices range from very simple solutions, such as an elastic band that can enable a person with cerebral palsy to hold a pencil and write, to "high-tech" electronic equipment that can be operated with eye or head movements by people who cannot use their hands.

There are also many ways to modify standard equipment so as to enable people with different functional limitations to perform jobs effectively and safely.

Many of these assistive devices and modifications are inexpensive. Frequently, applicants and employees with disabilities can suggest effective low cost devices or equipment. They have had a great deal of experience in accommodating their disabilities, and many are informed about new and available equipment. Where the job requires special adaptations of equipment, the employer and the applicant or employee should use the process described earlier (see **3.8**) to identify the exact functional abilities and limitations of the individual in relation to functional job needs, and to determine what type of assistance may be needed.

There are many sources of technical assistance to help identify and locate devices and equipment for specific job applications. An employer may be able to get information needed simply by telephoning the Job Accommodation Network, a free consulting service on accommodations, or other sources listed under "Accommodations" in the Resource Directory. Employers who need further assistance may use resources such as vocational rehabilitation specialists, occupational therapists and Independent Living Centers who will come on site to conduct a job analysis and recommend appropriate equipment or job modifications.

As indicated above (see **3.4**), an employer is only obligated to provide equipment that is needed to perform a **job**; there is no obligation to provide equipment that the individual uses regularly in daily life, such as glasses, a hearing aid or a wheelchair. However, as previously stated, the employer may be obligated to provide items of this nature if special adaptations are required to perform a job.

> **For example**: It may be a reasonable accommodation to provide an employee with a motorized wheelchair if her job requires movement between buildings that are widely separated, and her disability prevents her operation of a wheelchair manually for that distance, or if heavy, deep-pile carpeting prevents operation of a manual wheelchair.

In some cases, it may be a reasonable accommodation to allow an applicant or employee to provide and use equipment that an employer would not be obligated to provide.

> **For example**: It would be a reasonable accommodation to allow an individual with a visual disability to provide his own guide dog.

Some examples of equipment and devices that may be reasonable accommodations:

- TDDs (Telecommunication Devices for the Deaf) make it possible for people with hearing and/or speech impairments to communicate over the telephone;

- telephone amplifiers are useful for people with hearing impairments;

- special software for standard computers and other equipment can enlarge print or convert print documents to spoken words for people with vision and/or reading disabilities;

- tactile markings on equipment in brailled or raised print are helpful to people with visual impairments;

- telephone headsets and adaptive light switches can be used by people with cerebral palsy or other manual disabilities;

- talking calculators can be used by people with visual or reading disabilities;

- speaker phones may be effective for people who are amputees or have other mobility impairments.

Some examples of effective low cost assistive devices as reported by the Job Accommodation Network and other sources:

- a timer with an indicator light allowed a medical technician who was deaf to perform laboratory tests. Cost $27.00;

- a clerk with limited use of her hands was provided a "lazy susan" file holder that enabled her to reach all materials needed for her job. Cost $85.00;

- A groundskeeper who had limited use of one arm was provided a detachable extension arm for a rake. This enabled him to grasp the handle on the extension with the impaired hand and control the rake with the functional arm. Cost $20.00;

- A desk layout was changed from the right to left side to enable a data entry operator who is visually impaired to perform her job. Cost $0;

- A telephone amplifier designed to work with a hearing aid allowed a plant worker to retain his job and avoid transfer to a lower paid job. Cost $24.00;

- A blind receptionist was provided a light probe which allowed her to determine which lines on the switchboard were ringing, on hold, or in use. (A light-probe gives an audible signal when held over an illuminated source.) Cost $50.00 to $100.00;

- A person who had use of only one hand, working in a food service position could perform all tasks except opening cans. She was provided with a one-handed can opener. Cost $35.00;

- Purchase of a light weight mop and a smaller broom enabled an employee with Downs syndrome and congenital heart problems to do his job with minimal strain. Cost under $40;

- A truck driver had carpal tunnel syndrome which limited his wrist movement and caused extreme discomfort in cold weather. A special wrist splint used with a glove designed for skin divers made it possible for him to drive even in extreme weather conditions. Cost $55.00;

- A phone headset allowed an insurance salesman with cerebral palsy to write while talking to clients. Rental cost $6.00 per month;

- A simple cardboard form, called a "jig" made it possible for a person with mental retardation to properly fold jeans as a stock clerk in a retail store. Cost $0.

Many recent technological innovations make it possible for people with severe disabilities to be very productive employees. Although some of this equipment is expensive, Federal tax credits, tax deductions, and other sources of financing are available to help pay for higher cost equipment.

> **For example**: A company hired a person who was legally blind as a computer operator. The State Commission for the Blind paid half of the cost of a braille terminal. Since all programmers were provided with computers, the cost of the accommodation to this employer was only one-half of the difference in cost between the braille terminal and a regular computer. A smaller company also would be eligible for a

tax credit for such cost. (See Tax Credit for Small Business, **4.1a** below)

For sources of information and technical assistance to help employers develop or locate "assistive devices and equipment," see this listing in the Index to the Resource Directory.

7. Adjusting and Modifying Examinations, Training Materials, and Policies

An employer may be required to modify, adjust, or make other reasonable accommodations in the ways that tests and training are administered in order to provide equal employment opportunities for qualified individuals with disabilities. Revisions to other employment policies and practices also may be required as reasonable accommodations.

a. Tests and Examinations

Accommodations may be needed to assure that tests or examinations measure the actual **ability** of an individual to perform job functions, rather than reflecting limitations caused by the disability. The ADA requires that tests be given to people who have sensory, speaking, or manual impairments in a format that does not require the use of the impaired skill, unless that is the job-related skill the test is designed to measure.

> **For example**: An applicant who has dyslexia, which causes difficulty in reading, should be given an oral rather than a written test, unless reading is an essential function of the job. Or, an individual with a visual disability or a learning disability might be allowed more time to take a test, unless the test is designed to measure speed required on a job.

The employer is only required to provide a reasonable accommodation for a test if the individual with a disability requests such an accommodation. But the employer has an obligation to inform job applicants in advance that a test will be given, so that an individual who needs an accommodation can make such a request. (See Chapter V. for further guidance on accommodations in testing.)

b. Training

Reasonable accommodation should be provided, when needed, to give employees with disabilities equal opportunity for training to perform their jobs effectively and to progress in employment. Needed accommodations may include:

- providing accessible training sites;
- providing training materials in alternate formats to accommodate a disability.

  For example: An individual with a visual disability may need training materials on tape, in large print, or on a computer diskette. A person with mental retardation may need materials in simplified language or may need help in understanding test instructions;

- modifying the manner in which training is provided.

  For example: It may be a reasonable accommodation to allow more time for training or to provide extra assistance to people with learning disabilities or people with mental impairments.

Additional guidance on accommodations in training is provided in Chapter VII.

c. Other Policies

Adjustments to various existing policies may be necessary to provide reasonable accommodation. As discussed above (see **3.10.3** and **3.10.4**), modifications to existing leave policies and regular work hours may be required as accommodations. Or, for example, a company may need to modify a policy prohibiting animals in the work place, so that a visually impaired person can use a guide dog. Policies on providing information to employees may need adjustment to assure that all information is available in accessible formats for employees with disabilities. Policies on emergency evacuations should be adjusted to provide effective accommodations for people with different disabilities. (See Chapter VII).

8. Providing Qualified Readers

It may be a reasonable accommodation to provide a reader for a qualified individual with a disability, if this would not impose an undue hardship.

> **For example**: A court has held under the Rehabilitation Act that it was not an undue hardship for a large state agency to provide full-time readers for three blind employees, in view of its very substantial budget. However, it may be an undue hardship for a smaller agency or business to provide such an accommodation.

In some job situations a reader may be the most effective and efficient accommodation, but in other situations alternative accommodations may enable an individual with a visual disability to perform job tasks just as effectively.

When an applicant or employee has a visual disability, the employer and the individual should use the "process" outlined in **3.8** above to identify specific limitations of the individual in relation to specific needs of the job and to assess possible accommodations.

> **For example**: People with visual impairments perform many jobs that do not require reading. Where reading is an essential job function, depending on the nature of a visual impairment and the nature of job tasks, print magnification equipment or a talking computer may be more effective for the individual and less costly for an employer than providing another employee as a reader. Where an individual has to read lengthy documents, a reader who transcribes documents onto tapes may be a more effective accommodation.

Providing a reader does not mean that it is necessary to hire a full-time employee for this service. Few jobs require an individual to spend all day reading. A reader may be a part-time employee or full-time employee who performs other duties. However, the person who reads to a visually impaired employee must read well enough to enable the individual to perform his or her job effectively. It would not be a reasonable accommodation to provide a reader whose poor skills hinder the job performance of the individual with a disability.

9. Providing Qualified Interpreters

Providing an interpreter on an "as-needed" basis may be a reasonable accommodation for a person who is deaf in some employment situations, if this does not impose an undue hardship.

If an individual with a disability is otherwise qualified to perform essential job functions, the employer's basic obligation is to provide an accommodation that will enable this person to perform the job effectively. A person who is deaf or hearing-impaired should be able to communicate effectively with others as required by the duties of the job. Identifying the needs of the individual in relation to specific job tasks will determine whether or when an interpreter may be needed. The resources available to the employer would be considered in determining whether it would be an undue hardship to provide such an accommodation.

> **For example**: It may be necessary to obtain a qualified interpreter for a job interview, because for many jobs the applicant and interviewer must communicate fully and effectively to evaluate whether the applicant is qualified to do the job. Once hired, however, if the individual is doing clerical work, research, computer applications, or other job tasks that do not require much verbal communication, an interpreter may only be needed occasionally. Interpretation may be necessary for training situations, staff meetings or an employee party, so that this person can fully participate in these functions. Communication on the job may be handled through different means, depending on the situation, such as written notes, "signing" by other employees who have received basic sign language training, or by typing on a computer or typewriter.

People with hearing impairments have different communication needs and use different modes of communication. Some use signing in American Sign Language, but others use sign language that has different manual codes. Some people rely on an oral interpreter who silently mouths words spoken by others to make them easier to lip read. Many hearing-impaired people use their voices to communicate, and some combine talking and signing. The individual should be consulted to determine the most effective means of communication.

Communication between a person who is deaf and others through a supervisor and/or co-worker with basic sign language training may be sufficient in many job situations. However, where extensive discussions or complex subject matter is involved, a trained interpreter may be needed to provide effective communication. Experienced interpreters usually have received special training and may be certified by a professional interpreting organization or state or local Commission serving people who are deaf. (See Resource Directory Index listing of "Interpreters" for information about interpreters and how to obtain them).

10. Other Accommodations

There are many other accommodations that may be effective for people with different disabilities in different jobs. The examples of accommodations in EEOC regulations and the examples in this Manual are not the only types of accommodations that may be required. Some other accommodations that may be appropriate include:

- making transportation provided by the employer accessible;
- providing a personal assistant for certain job-related functions, such as a page turner for a person who has no hands, or a travel attendant to act as a sighted guide to assist a blind employee on occasional business trips.
- use of a job coach for people with mental retardation and other disabilities who benefit from individualized on-the job training and services provided at no cost by vocational rehabilitation agencies in "supported employment" programs. (See Resource Directory Index for "Supported Employment.")

3.11 Financial and Technical Assistance for Accommodations

a. Financial Assistance

There are several sources of financial assistance to help employers make accommodations and comply with ADA requirements.

1. **Tax Credit for Small Business** (Section 44 of the Internal Revenue Code)

In 1990, Congress established a special tax credit to help smaller employers make accommodations required by the ADA. An eligible small business may take a tax credit of up to $5000 per year for accommodations made to comply with the ADA. The credit is available for one-half the cost of "eligible access expenditures" that are more than $250 but less than $10,250.

> **For example**: If an accommodation cost $10,250, an employer could get a tax credit of $5000 ($10,250 minus $250, divided by 2). If the accommodation cost $7000, a tax credit of $3375 would be available.

An **eligible small business** is one with gross receipts of $1 million or less for the taxable year, or 30 or fewer full time employees.

"**Eligible access expenditures**" for which the tax credit may be taken include the types of accommodations required under Title I of the ADA as well as accessibility requirements for commercial facilities and places of public accommodation under Title III. "Eligible access expenditures" include:

- removal of architectural, communication, physical, or transportation barriers to make the business accessible to, or usable by, people with disabilities.
- providing qualified interpreters or other methods to make communication accessible to people with hearing disabilities;
- providing qualified readers, taped texts, or other methods to make information accessible to people with visual disabilities; and/or

- acquiring or modifying equipment or devices for people with disabilities.

To be eligible for the tax credit, changes made to remove barriers or to provide services, materials or equipment must meet technical standards of the ADA Accessibility Guidelines, where applicable.

2. **Tax Deduction for Architectural and Transportation Barrier Removal** (Section 190 of the Internal Revenue Code)

Any business may take a full tax deduction, up to $15,000 per year, for expenses of removing specified architectural or transportation barriers. Expenses covered include costs of removing barriers created by steps, narrow doors, inaccessible parking spaces, toilet facilities, and transportation vehicles. **Both** the tax credit and the tax deduction are available to eligible small businesses.

> **For example**: If a small business makes a qualified expenditure of $24,000, it may take the $5000 tax **credit** for the initial $10,250 and, if the remaining $13,750 qualifies under Section 190, may **deduct** that amount from its taxable income. However, a business may not receive a double benefit for the same expense: for example, it may not take both the tax credit and the tax deduction for $10,000 spent to renovate bathrooms.

Information on the Section 44 tax credit and the Section 190 tax deduction can be obtained from a local IRS office, or by contacting the Office of Chief Counsel, Internal Revenue Service. (See Resource Directory.)

3. **Targeted Jobs Tax Credit**

Tax credits also are available under the Targeted Jobs Tax Credit Program (TJTCP) for employers who hire individuals with disabilities referred by state or local vocational rehabilitation agencies, State Commissions on the Blind and the U.S. Department of Veterans Affairs and certified by a State Employment Service. This program promotes hiring of several "disadvantaged" groups, including people with disabilities.

Under the TJTCP, a tax credit may be taken for 40% of the first $6000 of an employee's first-year salary. This program must be reauthorized each year by Congress, and currently has been extended through June 30, 1992. Information about this program can be obtained from the State Employment Services or from State Governor's Committees on the Employment of People with Disabilities. (See State listings in Resource Directory.)

4. Other Funding Sources

State or local vocational rehabilitation agencies and State Commissions for the Blind can provide financial assistance for equipment and accommodations for their clients. The U.S. Department of Veterans Affairs also provides financial assistance to disabled veterans for equipment needed to help perform jobs. Some organizations that serve people with particular types of disabilities also provide financial assistance for needed accommodations. Other types of assistance may be available in the community. For example, some Independent Living Centers provide transportation service to the workplace for people with disabilities. For further information, see "Financial Assistance for Accommodations" in Resource Directory Index.

b. Technical Assistance

There are many sources of technical assistance to help employers make effective accommodations for people with different disabilities in various job situations. Many of these resources are available without cost. Major resources for information, assistance, and referral to local specialized resources are 10 new **ADA Regional Business and Disability Technical Assistance Centers** that have been funded by Congress specifically to help implement the ADA. These Centers have been established to provide information, training and technical assistance to employers and all other entities covered by the ADA and to people with disabilities. The Centers also can refer employers to local technical assistance sources. (See ADA Regional Business and Disability Technical Assistance Centers in Resource Directory.) Other resources include:

- **State and local vocational rehabilitation agencies**

- **Independent Living Centers** in some 400 communities around the country provide technical assistance to employers and people with disabilities on accessibility and other accommodations and make referrals to specialized sources of assistance.

- **The Job Accommodation Network** (JAN) a free national consultant service, available through a toll-free number, helps employers make individualized accommodations.

- **ABLEDATA**, a computerized database of disability-related products and services, conducts customized information searches on worksite modifications, assistive devices and other accommodations.

- **The President's Committee on Employment of People with Disabilities** provides technical information, including publications with practical guidance on job analysis and accommodations.

- **Governors' Committees on Employment of People with Disabilities** in each State, allied with the President's Committee, are local resources of information and technical assistance.

These and many other sources of specialized technical assistance are listed in the Resource Directory. The Index to the Directory will be helpful in locating specific types of assistance.

IV. ESTABLISHING NONDISCRIMINATORY QUALIFICATION STANDARDS AND SELECTION CRITERIA

4.1 Introduction

The ADA does not prohibit an employer from establishing job-related qualification standards, including education, skills, work experience, and physical and mental standards necessary for job performance, health and safety.

The Act does not interfere with an employer's authority to establish appropriate job qualifications to hire people who can perform jobs effectively and safely, and to hire the best qualified person for a job. ADA requirements are designed to assure that people with disabilities are not excluded from jobs that they can perform.

ADA requirements apply to all selection standards and procedures, including, but not limited to:

- **education and work experience requirements;**
- **physical and mental requirements;**
- **safety requirements;**
- **paper and pencil tests;**
- **physical or psychological tests;**
- **interview questions; and**
- **rating systems;**

4.2 Overview of Legal Obligations

- Qualification standards or selection criteria that screen out or tend to screen out an individual with a disability on the basis of disability must be **job-related and consistent with business necessity.**

- Even if a standard is job-related and consistent with business necessity, if it screens out an individual with a disability on the basis of disability, the employer **must consider** if the individual could meet the standard with a **reasonable accommodation.**

- An employer is not required to lower existing production standards applicable to the quality or, quantity of work for a given job in considering qualifications of an individual with a disability, if these standards are uniformly applied to all applicants and employees in that job.

- If an individual with a disability cannot perform a marginal function of a job because of a disability, an employer may base a hiring decision only on the individual's ability to perform the essential functions of the job, with or without a reasonable accommodation.

4.3 What is Meant by "Job-Related" and "Consistent with Business Necessity"?

1. Job-Related

If a qualification standard, test or other selection criterion operates to screen out an individual with a disability, or a class of such individuals on the basis of disability, it must be a legitimate measure or qualification for the specific job it is being used for. It is not enough that it measures qualifications for a general class of jobs.

> **For example**: A qualification standard for a secretarial job of "ability to take shorthand dictation" is not job-related if the person in the particular secretarial job actually transcribes taped dictation.

The ADA does not require that a qualification standard or selection criterion apply only to the "essential functions" of a job. A "job-related" standard or selection criterion may evaluate or measure all functions of a job and employers may continue to select and hire people who can perform all of these functions. It is only when an individual's disability prevents or impedes performance of marginal job functions that the ADA requires the employer to evaluate this individual's qualifications solely on his/her ability to perform the essential functions of the job, with or without an accommodation.

> **For example**: An employer has a job opening for an administrative assistant. The essential functions of the job are administrative and organizational. Some occasional typing has been part of the job, but other clerical staff are available who can perform this marginal job function. There are two job applicants. One has a disability that makes typing very difficult, the other has no disability and can type. The employer may not refuse to hire the first applicant because of her inability to type, but must base a job decision on the relative ability of each applicant to perform the essential administrative and organizational job functions, with or without accommodation. The employer may not screen out the applicant with a disability because of the need to make an accommodation to perform the essential job functions. However, if the first applicant could not type for a reason not related to her disability (for example, if she had never learned to type) the employer would be free to select the applicant who could best perform all of the job functions.

2. Business Necessity

"Business necessity" will be interpreted under the ADA as it has been interpreted by the courts under Section 504 of the Rehabilitation Act.

Under the ADA, as under the Rehabilitation Act:

> **If a test or other selection criterion excludes an individual with a disability because of the disability and does not relate to the essential functions of a job, it is not consistent with business necessity.**

This standard is similar to the legal standard under Title VII of the Civil Rights Act which provides that a selection procedure which screens out a disproportionate number of persons of a particular race, sex or national origin "class" must be justified as a "business necessity." However, under the ADA the standard may be applied to an individual who is screened out by a selection procedure because of disability, as well as to a class of persons. It is not necessary to make statistical comparisons between a group of people with disabilities and people who are not disabled to show that a person with a disability is screened out by a selection standard.

Disabilities vary so much that it is difficult, if not impossible, to make general determinations about the effect of various standards, criteria and procedures on "people with disabilities." Often, there may be little or no statistical data to measure the impact of a procedure on any "class" of people with a particular disability compared to people without disabilities. As with other determinations under the ADA, the exclusionary effect of a selection procedure usually must be looked at in relation to a particular individual who has particular limitations caused by a disability.

Because of these differences, the federal Uniform Guidelines on Employee Selection Procedures that apply to selection procedures on the basis of race, sex, and national origin under Title VII of the Civil Rights Act and other Federal authorities do not apply under the ADA to selection procedures affecting people with disabilities.

A standard may be job-related but not justified by business necessity, because it does not concern an essential function of a job.

> **For example**: An employer may ask candidates for a clerical job if they have a driver's license, because it would be desirable to have a person in the job who could occasionally run errands or take packages to the post office in an emergency. This requirement is "job-related," but it relates to an **incidental**, not an **essential**, job function. If it disqualifies a person who could not obtain a driver's license because of a disability, it would not be justified as a "business necessity" for purposes of the ADA.

Further, the ADA requires that even if a qualification standard or selection criterion is job-related and consistent with business necessity, it may not be used to exclude an individual with a disability if this individual could satisfy the legitimate standard or selection criterion with a reasonable accommodation.

> **For example**: It may be job-related and necessary for a business to require that a secretary produce letters and other documents on a word processor. But it would be discriminatory to reject a person whose disability prevented manual keyboard operation, but who could meet the qualification standard using a computer assistive device, if providing this device would not impose an undue hardship.

4.4 Establishing Job-Related Qualification Standards

The ADA does not restrict an employer's authority to establish needed job qualifications, including requirements related to:

- education;
- skills;
- work experience;
- licenses or certification;
- physical and mental abilities;
- health and safety; or
- other job-related requirements, such as judgment, ability to work under pressure or interpersonal skills.

Physical and Mental Qualification Standards

An employer may establish physical or mental qualifications that are necessary to perform specific jobs (for example, jobs in the transportation and construction industries; police and fire fighter jobs; security guard jobs) or to protect health and safety.

However, as with other job qualification standards, if a physical or mental qualification standard screens out an individual with a disability or a class of individuals with disabilities, the employer must be prepared to show that the standard is:

- **job-related and**
- **consistent with business necessity.**

Even if a physical or mental qualification standard is job-related and necessary for a business, if it is applied to exclude an otherwise qualified individual with a disability, the employer must consider whether there is a reasonable accommodation that would enable this person to meet the standard. The employer does not have to consider such accommodations in establishing a standard, but only when an otherwise qualified person with a disability requests an accommodation.

> **For example**: An employer has a forklift operator job. The essential function of the job is mechanical operation of the forklift machinery. The job has a physical requirement of ability to lift a

70 pound weight, because the operator must be able to remove and replace the 70 pound battery which powers the forklift. This standard is job-related. However, it would be a reasonable accommodation to eliminate this standard for an otherwise qualified forklift operator who could not lift a 70 pound weight because of a disability, if other operators or employees are available to help this person remove and replace the battery.

Evaluating Physical and Mental Qualification Standards Under the ADA

Employers generally have two kinds of physical or mental standards:

1. Standards that may exclude an entire class of individuals with disabilities.

   For example: No person who has epilepsy, diabetes, or a heart or back condition is eligible for a job.

2. Standards that measure a physical or mental ability needed to perform a job.

   For example: The person in the job must be able to lift x pounds for x hours daily, or run x miles in x minutes.

Standards that exclude an entire class of individuals with disabilities

"Blanket" exclusions of this kind usually have been established because employers believed them to be necessary for health or safety reasons. Such standards also may be used to screen out people who an employer fears, or assumes, may cause higher medical insurance or workers' compensation costs, or may have a higher rate of absenteeism.

Employers who have such standards should review them carefully. In most cases, they will not meet ADA requirements.

The ADA recognizes legitimate employer concerns and the requirements of other laws for health and safety in the workplace. An employer is not required to hire or retain an individual who would pose a "direct threat" to health or safety (see below). But the ADA requires an objective assessment of a particular individual's current ability to perform a job safely and effectively. Generalized "blanket" exclusions of an entire group of people with a certain disability prevent such an individual consideration. Such class-wide exclusions that do not reflect up-to-date medical knowledge and technology, or that are based on fears about future medical or workers' compensation costs, are unlikely to survive a legal challenge under the ADA. (However, the ADA recognizes employers' obligations to comply with Federal laws that mandate such exclusions in certain occupations. [See Health and Safety Requirements of Other Federal or State Laws below.])

The ADA requires that:

- any determination of a direct threat to health or safety must be based on an individualized assessment of objective and specific evidence about a particular individual's present ability to perform essential job functions, not on general assumptions or speculations about a disability. (See Standards Necessary for Health and Safety: A "Direct Threat" below).

  > **For example**: An employer who excludes all persons who have epilepsy from jobs that require use of dangerous machinery will be required to look at the life experience and work history of an individual who has epilepsy. The individual evaluation should take into account the type of job, the degree of seizure control, the type(s) of seizures (if any), whether the person has an "aura" (warning of seizure), the person's reliability in taking prescribed anti-convulsant medication, and any side effects of such medication. Individuals who have no seizures because they regularly take prescribed medication, or who have sufficient advance warning of a seizure so that they can stop hazardous activity, would not pose a "direct threat" to safety.

Standards that measure needed physical or mental ability to perform a job

Specific physical or mental abilities may be needed to perform certain types of jobs.

> **For example:** Candidates for jobs such as airline pilots, policemen and firefighters may be required to meet certain physical and psychological qualifications.

In establishing physical or mental standards for such jobs, an employer does not have to show that these standards are "job related," justified by "business necessity" or that they relate only to "essential" functions of the job. However, if such a standard screens out an otherwise qualified individual with a disability, the employer must be prepared to show that the standard, as applied, is job-related and consistent with business necessity under the ADA. And, even if this can be shown, the employer must consider whether this individual could meet the standard with a **reasonable accommodation**.

> **For example**: A police department that requires all its officers to be able to make forcible arrests and to perform all job functions in the department might be able to justify stringent physical requirements for all officers, if in fact they are all required to be available for any duty in an emergency.
>
> However, if a position in a mailroom required as a qualification standard that the person in the job be able to reach high enough to place and retrieve packages from 6-foot high shelves, an employer would have to consider whether there was an accommodation that would enable a person with a disability that prevented reaching that high to perform these essential functions. Possible accommodations might include lowering the shelf-height, providing a step stool or other assistive device.

Physical agility tests

An employer may give a physical agility test to determine physical qualifications necessary for certain jobs prior to making a job offer if it is simply an agility test and not a medical examination. Such a test would not be subject to the prohibition against pre-employment medical examinations if given to all similarly situated applicants or employees, regardless of disability. However, if an agility test screens out or tends to screen out an individual with a disability or a class of such individuals because of disability, the employer must be prepared to show that the test is job-related and consistent with business necessity and that the test or the job cannot be performed with a reasonable accommodation.

It is important to understand the distinction between physical agility tests and prohibited pre-employment medical inquiries and examinations. One difference is that agility tests do not involve medical examinations or diagnoses by a physician, while medical examinations may involve a doctor.

> **For example**: At the pre-offer stage, a police department may conduct an agility test to measure a candidate's ability to walk, run, jump, or lift in relation to specific job duties, but it cannot require the applicant to have a medical screening before taking the agility test. Nor can it administer a medical examination before making a conditional job offer to this person.

Some employers currently may require a medical screening before administering a physical agility test to assure that the test will not harm the applicant. There are two ways that an employer can handle this problem under the ADA:

- the employer can request the applicant's physician to respond to a very restricted inquiry which describes the specific agility test and asks: "Can this person safely perform this test?"

- the employer may administer the physical agility test after making a conditional job offer, and in this way may obtain any necessary medical information, as permitted under the ADA. (See Chapter VI.) The employer may find it more cost-efficient to administer such tests only to those candidates who have met other job qualifications.

4.5 Standards Necessary for Health and Safety: A "Direct Threat"

An employer may require as a qualification standard that an individual not pose a "direct threat" to the health or safety of the individual or others, if this standard is applied to all applicants for a particular job. However, an employer must meet very specific and stringent requirements under the ADA to establish that such a "direct threat" exists.

The employer must be prepared to show that there is:

- **significant risk of substantial harm;**

- **the specific risk must be identified;**

- **it must be a current risk, not one that is speculative or remote;**

- **the assessment of risk must be based on objective medical or other factual evidence regarding a particular individual; and**

- **even if a genuine significant risk of substantial harm exists, the employer must consider whether the risk can be eliminated or reduced below the level of a "direct threat" by reasonable accommodation.**

Looking at each of these requirements more closely:

1. Significant risk of substantial harm

An employer cannot deny an employment opportunity to an individual with a disability merely because of a slightly increased risk. The employer must be prepared to show that there is a **significant risk**, that is, **a high probability of substantial harm,** if the person were employed.

The assessment of risk cannot be based on mere speculation unrelated to the individual in question.

> **For example**: An employer cannot assume that a person with cerebral palsy who has restricted manual dexterity cannot work in a laboratory because s/he will pose a risk of breaking vessels with dangerous contents. The abilities or limitations of a particular individual with cerebral palsy must be evaluated.

2. The specific risk must be identified

If an individual has a disability, the employer must identify the aspect of the disability that would pose a direct threat, considering the following factors:

- the **duration** of the risk.

  > **For example:** An elementary school teacher who has tuberculosis may pose a risk to the health of children in her classroom. However, with proper medication, this person's disease would be contagious for only a two-week period. With an accommodation of two-weeks absence from the classroom, this teacher would not pose a "direct threat."

- the **nature** and **severity** of the potential harm.

  > **For example**: A person with epilepsy, who has lost consciousness during seizures within the past year, might seriously endanger her own life and the lives of others if employed as a bus driver. But this person would not pose a severe threat of harm if employed in a clerical job.

- the **likelihood** that the potential harm will occur.

For example: An employer may believe that there is a risk of employing an individual with HIV disease as a teacher. However, it is medically established that this disease can only be transmitted through sexual contact, use of infected needles, or other entry into a person's blood stream. There is little or no likelihood that employing this person as a teacher would pose a risk of transmitting this disease.

and

- the **imminence** of the potential harm.

For example: A physician's evaluation of an applicant for a heavy labor job that indicated the individual had a disc condition that might worsen in 8 or 10 years would not be sufficient indication of imminent potential harm.

If the perceived risk to health or safety arises from the behavior of an individual with a mental or emotional disability, the employer must identify the specific behavior that would pose the "direct threat".

3. The risk must be current, not one that is speculative or remote

The employer must show that there is a current risk -- "a high probability of substantial harm" -- to health or safety based on the individual's present ability to perform the essential functions of the job. A determination that an individual would pose a "direct threat" cannot be based on speculation about future risk. This includes speculation that an individual's disability may become more severe. An assessment of risk cannot be based on speculation that the individual will become unable to perform a job in the future, or that this individual may cause increased health insurance or workers compensation costs, or will have excessive absenteeism. (See Insurance, Chapter VII., and Workers' Compensation, Chapter IX.)

4. The assessment of risk must be based on objective medical or other evidence related to a particular individual

The determination that an individual applicant or employee with a disability poses a "direct threat" to health or safety must be based on objective, factual evidence related to that individual's present ability to safely perform the essential functions of a job. It cannot be based on unfounded assumptions, fears, or stereotypes about the nature or effect of a disability or of disability generally. Nor can such a determination be based on patronizing assumptions that an individual with a disability may endanger himself or herself by performing a particular job.

> For example: An employer may not exclude a person with a vision impairment from a job that requires a great deal of reading because of concern that the strain of heavy reading may further impair her sight.

The determination of a "direct threat" to health or safety must be based on a reasonable medical judgement that relies on the most current medical knowledge and/or the best available objective evidence. This may include:

- **input from the individual with a disability;**
- **the experience of this individual in previous jobs;**
- **documentation from medical doctors, psychologists, rehabilitation counselors, physical or occupational therapists, or others who have expertise in the disability involved and/or direct knowledge of the individual with a disability.**

Where the psychological behavior of an employee suggests a threat to safety, **factual evidence** of this behavior also may constitute evidence of a "direct threat." An employee's violent, aggressive, destructive or threatening behavior may provide such evidence.

Employers should be careful to assure that assessments of "direct threat" to health or safety are based on current medical knowledge and other kinds of evidence listed above, rather than relying on generalized and frequently out-of- date assumptions about risk associated with certain disabilities. They should be aware that Federal contractors who have had similar disability nondiscrimination requirements under the Rehabilitation Act have had to make substantial backpay and other financial payments because they excluded individuals with disabilities who were qualified to perform their jobs, based on generalized assumptions that were not supported by evidence about the individual concerned.

Examples of Contractor Cases:

- A highly qualified experienced worker was rejected for a sheet metal job because of a company's general medical policy excluding anyone with epilepsy from this job. The company asserted that this person posed a danger to himself and to others because of the possibility that he might have a seizure on the job. However, this individual had been seizure-free for 6 years and co-workers on a previous job testified that he carefully followed his prescribed medication schedule. The company was found to have discriminated against this individual and was required to hire him, incurring large back pay and other costs.

- An applicant who was deaf in one ear was rejected for an aircraft mechanic job because the company feared that his impairment might cause a future workers' compensation claim. His previous work record gave ample evidence of his ability to perform the aircraft mechanic job. The company was found to have discriminated because it provided no evidence that this person would have been a danger to himself or to others on the job.

- An experienced carpenter was not hired because a blood pressure reading by the company doctor at the end of a physical exam was above the company's general medical standard. However, his own doctor provided evidence of much lower readings, based on measurements of his blood pressure at several times during a physical exam. This doctor testified that the individual could safely perform the carpenter's job because he had only mild hypertension. Other expert medical evidence confirmed that a single blood pressure reading was not sufficient to determine if a person has hypertension, that such a reading clearly was not sufficient to determine if a person could perform a particular job, and that hypertension has very different effects on different people. In this case, it was found that there was merely a slightly elevated risk, and that a remote possibility of future injury was not sufficient to disqualify an otherwise qualified person. (Note that while it is possible that a person with mild hypertension does not have an impairment that "substantially limits a major life activity," in this case the person was excluded because he was "regarded as" having such an impairment. The employer was still required to show that this person posed a "direct threat" to safety.)

"Direct Threat" to Self

An employer may require that an individual not pose a direct threat of harm to his or her own safety or health, as well as to the health or safety of others. However, as emphasized above, such determinations must be strictly based on valid medical analyses or other objective evidence related to this individual, using the factors set out above. A determination that a person might cause harm to himself or herself cannot be based on stereotypes, patronizing assumptions about a person with a disability, or generalized fears about risks that might occur if an individual with a disability is placed in a certain job. Any such determination must be based on evidence of specific risk to a particular individual.

> **For example**: An employer would not be required to hire an individual disabled by narcolepsy who frequently and unexpectedly loses consciousness to operate a power saw or other dangerous equipment, if there is no accommodation that would reduce or eliminate the risk of harm. But an advertising agency could not reject an applicant for a copywriter job who has a history of mental illness, based on a generalized fear that working in this high stress job might trigger a relapse of the individual's mental illness. Nor could an employer reject an applicant with a visual or mobility disability because of a generalized fear of risks to this person in the event of a fire or other emergency.

5. If there is a significant risk, reasonable accommodation must be considered

Where there is a significant risk of substantial harm to health or safety, an employer still must consider whether there is a reasonable accommodation that would eliminate this risk or reduce the risk so that it is below the level of a "direct threat."

> **For example**: A deaf bus mechanic was denied employment because the transit authority feared that he had a high probability of being injured by buses moving in and out of the garage. It was not clear that there was, in fact, a "high probability" of harm in this case, but the mechanic suggested an effective accommodation that enabled him to perform his job with little or no risk. He worked in a corner of the garage, facing outward, so that he could see moving buses. A co-worker was designated to

alert him with a tap on the shoulder if any dangerous situation should arise.

"Direct Threat" and Accommodation in Food Handling Jobs

The ADA includes a specific application of the "direct threat" standard and the obligation for reasonable accommodation in regard to individuals who have infectious or communicable diseases that may be transmitted through the handling of food.

The law provides that the U.S. Department of Health and Human Services (HHS) must prepare and update annually a list of contagious diseases that are transmitted through the handling of food and the methods by which these diseases are transmitted.

When an individual who has one of the listed diseases applies for work or works in a job involving food handling, the employer must consider whether there is a reasonable accommodation that will eliminate the risk of transmitting the disease through handling of food. If there is such an accommodation, and it would not impose an undue hardship, the employer must provide the accommodation.

An employer would not be required to hire a job **applicant** in such a situation if no reasonable accommodation is possible. However, an employer would be required to consider accommodating an **employee** by reassignment to a position that does not require handling of food, if such a position is available, the employee is qualified for it, and it would not pose an undue hardship.

In August 1991, the Centers for Disease Control (CDC) of the Public Health Service in HHS issued a list of infectious and communicable diseases that are transmitted through handling of food, together with information about how these diseases are transmitted. The list of diseases is brief. In conformance with established medical opinion, it does not include AIDS or the HIV virus. In issuing the list, the CDC emphasized that the greatest danger of food-transmitted illness comes from contamination of infected food-producing animals and contamination in food processing, rather than from handling of food by persons with infectious or communicable diseases. The CDC also emphasized that proper personal hygiene and sanitation in food-handling jobs were the most important measures to prevent transmission of disease.

The CDC list of diseases that are transmitted through food handling and recommendations for preventing such transmission appears in Appendix C.

4.6 Health and Safety Requirements of Other Federal or State Laws

The ADA recognizes employers' obligations to comply with requirements of other laws that establish health and safety standards. However, the Act gives greater weight to Federal than to state or local law.

1. Federal Laws and Regulations

The ADA does not override health and safety requirements established under other Federal laws. If a standard is required by another Federal law, an employer must comply with it and does not have to show that the standard is job related and consistent with business necessity.

> **For example**: An employee who is being hired to drive a vehicle in interstate commerce must meet safety requirements established by the U.S. Department of Transportation. Employers also must conform to health and safety requirements of the U.S. Occupational Safety and Health Administration (OSHA).

However, an employer still has the obligation under the ADA to consider whether there is a reasonable accommodation, consistent with the standards of other Federal laws, that will prevent exclusion of qualified individuals with disabilities who can perform jobs without violating the standards of those laws.

> **For example**: In hiring a person to drive a vehicle in interstate commerce, an employer must conform to existing Department of Transportation regulations that exclude any person with epilepsy, diabetes, and certain other conditions from such a job.
>
> But, for example, if DOT regulations require that a truck have 3 grab bars in specified places, and an otherwise qualified individual with a disability could perform essential job functions with the assistance of 2 additional grab bars, it would be a reasonable accommodation to add these bars, unless this would be an undue hardship.

The Department of Transportation, as directed by Congress, currently is reviewing several motor vehicle standards that require "blanket" exclusions of individuals with diabetes, epilepsy and certain other disabilities.

2. State and Local Laws

The ADA does not override state or local laws designed to protect public health and safety, except where such laws conflict with ADA requirements. This means that if there is a state or local law that would exclude an individual with a disability for a particular job or profession because of a health or safety risk, the employer still must assess whether a particular individual would pose a "direct threat" to health or safety under the ADA standard. If there is such a "direct threat," the employer also must consider whether it could be eliminated or reduced below the level of a "direct threat" by reasonable accommodation. An employer may not rely on the existence of a state or local law that conflicts with ADA requirements as a defense to a charge of discrimination.

> **For example**: A state law that required a schoolbus driver to have a high level of hearing in both ears without use of a hearing aid was found by a court to violate Section 504 of the Rehabilitation Act, and would violate the ADA. The court found that the driver could perform his job with a hearing aid without a risk to safety.

(See further guidance on Medical Examinations and Inquiries in Chapter VI.)

V. NONDISCRIMINATION IN THE HIRING PROCESS:

RECRUITMENT; APPLICATIONS; PRE-EMPLOYMENT INQUIRIES; TESTING

This chapter discusses nondiscrimination requirements that apply to recruitment and the job application process, including pre-employment inquiries. Chapter VI. discusses these requirements more specifically in relation to medical inquiries and examinations.

5.1 Overview of Legal Obligations

- An employer must provide an equal opportunity for an individual with a disability to participate in the job application process and to be considered for a job.
- An employer may not make any **pre-employment** inquiries regarding disability, but may ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how s/he would perform these functions.
- An employer may not require pre-employment medical examinations or medical histories, but may condition a job offer on the results of a post-offer medical examination, if all entering employees in the same job category are required to take this examination.
- Tests for illegal drugs are not medical examinations under the ADA and may be given at any time.
- A test that screens out or tends to screen out a person with a disability on the basis of disability must be job-related and consistent with business necessity.
- Tests must reflect the skills and aptitudes of an individual rather than impaired sensory, manual, or speaking skills, unless those are job-related skills the test is designed to measure.

A careful review of all procedures used in recruiting and selecting employees is advisable to assure nondiscrimination in the hiring process. Reasonable accommodation must be provided as needed, to assure that individuals with disabilities have equal opportunities to participate in this process.

5.2 Job Advertisements and Notices

It is advisable that job announcements, advertisements, and other recruitment notices include information on the essential functions of the job. Specific information about essential functions will attract applicants, including individuals with disabilities, who have appropriate qualifications.

Employers may wish to indicate in job advertisements and notices that they do not discriminate on the basis of disability or other legally prohibited bases. An employer may wish to include a statement such as: "We are an Equal Opportunity Employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin or disability."

Accessibility of Job Information

Information about job openings should be accessible to people with different disabilities. An employer is not obligated to provide written information in various formats in advance, but should make it available in an accessible format on request.

> **For example**: Job information should be available in a location that is accessible to people with mobility impairments. If a job advertisement provides only a telephone number to call for information, a TDD (telecommunication device for the deaf) number should be included, unless a telephone relay service has been established[1]. Printed job information in an employment office or on employee bulletin boards should be made available, as needed, to persons with visual or other reading impairments. Preparing information in large print will help make it available to some people with visual impairments. Information can be recorded on a cassette or read to applicants with more severe vision impairments and those who have other disabilities which limit reading ability.

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[1] Title IV of the ADA requires all telephone carriers to establish relay services by July 1993, that will enable people who use TDDs to speak directly to anyone through use of a relay operator. Many states already have such services. See Resource Directory for Telecommunications Relay Services.

5.3 Employment Agencies

Employment agencies are "covered entities" under the ADA, and must comply with all ADA requirements that are applicable to their activities.

The definition of an "employment agency" under the ADA is the same as that under Title VII of the Civil Rights Act. It includes private and public employment agencies and other organizations, such as college placement services, that regularly procure employees for an employer.

When an employer uses an employment agency to recruit, screen, and refer potential employees, both the employer and the employment agency may be liable if there is any violation of ADA requirements.

> **For example**: An employer uses an employment agency to recruit and the agency places a newspaper advertisement with a telephone number that all interested persons must call, because no address is given. However, there is no TDD number. If there is no telephone relay service, and a deaf person is unable to obtain information about a job for which she is qualified and files a discrimination charge, both the employer and the agency may be liable.

An employer should inform an employment agency used to recruit or screen applicants of the mutual obligation to comply with ADA requirements. In particular, these agencies should be informed about requirements regarding qualification standards, pre-employment inquiries, and reasonable accommodation.

If an employer has a contract with an employment agency, the employer may wish to include a provision stating that the agency will conduct its activities in compliance with ADA and other legal nondiscrimination requirements.

5.4 Recruitment

The ADA is a nondiscrimination law. It does not require employers to undertake special activities to recruit people with disabilities. However, it is consistent with the purpose of the ADA for employers to expand their "outreach" to sources of qualified candidates with disabilities. (See **Locating Qualified Individuals with Disabilities** below).

Recruitment activities that have the effect of screening out potential applicants with disabilities may violate the ADA.

For example: If an employer conducts recruitment activity at a college campus, job fair, or other location that is physically inaccessible, or does not make its recruitment activity accessible at such locations to people with visual, hearing or other disabilities, it may be liable if a charge of discrimination is filed.

Locating Qualified Individuals with Disabilities

There are many resources for locating individuals with disabilities who are qualified for different types of jobs. People with disabilities represent a large, underutilized human resource pool. Employers who have actively recruited and hired people with disabilities have found valuable sources of employees for jobs of every kind.

Many of the organizations listed in the Resource Directory are excellent sources for recruiting qualified individuals with disabilities as well as sources of technical assistance for any accommodations needed. For example, many colleges and universities have coordinators of services for students with disabilities who can be helpful in recruitment and in making accommodations. The Association on Handicapped Student Service Programs in Postsecondary Education can provide information on these resources. Local Independent Living Centers, state and local vocational rehabilitation agencies, organizations such as Goodwill Industries, and many organizations representing people who have specific disabilities are among other recruitment sources. (See "Recruitment Sources" in Resource Directory Index).

5.5 Pre-Employment Inquiries

The ADA Prohibits Any Pre-Employment Inquiries About a Disability.

This prohibition is necessary to assure that qualified candidates are not screened out because of their disability before their actual ability to do a job is evaluated. Such protection is particularly important for people with hidden disabilities who frequently are excluded, with no real opportunity to present their qualifications, because of information requested in application forms, medical history forms, job interviews, and pre-employment medical examinations.

The prohibition on pre-employment inquiries about disability does not prevent an employer from obtaining necessary information regarding an applicant's qualifications, including medical information necessary to assess qualifications and assure health and safety on the job.

The ADA requires only that such inquiries be made in two separate stages of the hiring process.

1. **Before making a job offer.**

   At this stage, an employer:

   - may ask questions about an applicant's ability to perform specific job functions;
   - may not make an inquiry about a disability;
   - may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry.

2. **After making a conditional job offer and before an individual starts work**

   At this stage, an employer may conduct a medical examination or ask health-related questions, providing that all candidates who receive a conditional job offer in the same job category are required to take the same examination and/or respond to the same inquiries.

Inquiries that may and may not be made at the **pre-offer** stage are discussed in the section that follows. Guidance on obtaining and using information from **post-offer** medical and inquiries and examinations is provided in Chapter VI.

5.5(a) Basic Requirements Regarding Pre-Offer Inquiries

- An employer may not make any pre-employment inquiry about a disability, or about the nature or severity of a disability:
  - on application forms
  - in job interviews
  - in background or reference checks.
- An employer may not make any medical inquiry or conduct any medical examination prior to making a conditional offer of employment.

- An employer may ask a job applicant questions about ability to perform specific job functions, tasks, or duties, as long as these questions are not phrased in terms of a disability. Questions need not be limited to the "essential" functions of the job.

- An employer may ask all applicants to describe or demonstrate how they will perform a job, with or without an accommodation.

- If an individual has a known disability that might interfere with or prevent performance of job functions, s/he may be asked to describe or demonstrate how these functions will be performed, with or without an accommodation, even if other applicants are not asked to do so; **however,**

- If a known disability would not interfere with performance of job functions, an individual may only be required to describe or demonstrate how s/he will perform a job if this is required of all applicants for the position.

- An employer may condition a job offer on the results of a medical examination or on the responses to medical inquiries if such an examination or inquiry is required of all entering employees in the same job category, regardless of disability; information obtained from such inquiries or examinations must be handled according to the strict confidentiality requirements of the ADA. (See Chapter VI.)

5.5(b) The Job Application Form

A review of job application forms should be a priority before the ADA's effective date, to eliminate any questions related to disability.

Some Examples of Questions that May Not be Asked on Application Forms or in Job Interviews:

- Have you ever had or been treated for any of the following conditions or diseases? (Followed by a checklist of various conditions and diseases.)

- Please list any conditions or diseases for which you have been treated in the past 3 years.

- Have you ever been hospitalized? If so, for what condition?

- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?

- Have you ever been treated for any mental condition?

- Is there any health-related reason you may not be able to perform the job for which you are applying?

- Have you had a major illness in the last 5 years?

- How many days were you absent from work because of illness last year?

  (Pre-employment questions about illness may not be asked, because they may reveal the existence of a disability. However, an employer may provide information on its attendance requirements and ask if an applicant will be able to meet these requirements. [See also **The Job Interview** below.])

- Do you have any physical defects which preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations.

- Do you have any disabilities or impairments which may affect your performance in the position for which you are applying?

  (This question should not be asked even if the applicant is requested in a follow-up question to identify accommodations that would enable job performance. Inquiries should not focus on an applicant's disabilities. The applicant may be asked about ability to perform specific job functions, with or without a reasonable accommodation. [See **Information That May be Asked**, below.])

- Are you taking any prescribed drugs?

  (Questions about use of prescription drugs are not permitted before a conditional job offer, because the answers to such questions might reveal the existence of certain disabilities which require prescribed medication.)

- Have you ever been treated for drug addiction or alcoholism?

  (Information may not be requested regarding treatment for drug or alcohol addiction, because the ADA protects people addicted to drugs who have been successfully rehabilitated, or who are undergoing rehabilitation, from discrimination based on drug addiction. [See Chapter VI. for discussion of post-offer inquiries and Chapter VIII. for drug and alcohol issues.])

- Have you ever filed for workers' compensation insurance?

  (An employer may not ask about an applicant's workers' compensation history at the pre-offer stage, but may obtain such information after making a conditional job offer. Such questions are prohibited because they are likely to reveal the existence of a disability. In addition, it is discriminatory under the ADA not to hire an individual with a disability because of speculation that the individual will cause increased workers' compensation costs. (See Chapter IV, **4.5(3)**, and Chapter IX.)

Information about an applicant's ability to perform job tasks, with or without accommodation, can be obtained through the application form and job interview, as explained below. Other needed information may be obtained through medical inquiries or examinations conducted after a conditional offer of employment, as described in Chapter VI.

5.5(c) Exception for Federal Contractors Covered by Section 503 of the Rehabilitation Act and Other Federal Programs Requiring Identification of Disability.

Federal contractors and subcontractors who are covered by the affirmative action requirements of Section 503 of the Rehabilitation Act may invite individuals with disabilities to identify themselves on a job application form or by other pre-employment inquiry, to satisfy the affirmative action requirements of Section 503 of the Rehabilitation Act. Employers who request such information must observe Section 503 requirements regarding the manner in which such information is requested and used, and the procedures for maintaining such information as a separate, confidential record, apart from regular personnel records. (For further information, see **Office of Federal Contract Compliance Programs** listing in Resource Directory.)

A pre-employment inquiry about a disability also is permissible if it is required or necessitated by another Federal law or regulation. **For example**, a number of programs administered or funded by the U.S. Department of Labor target benefits to individuals with disabilities, such as, disabled veterans, veterans of the Vietnam era, individuals eligible for Targeted Job Tax Credits, and individuals eligible for Job Training Partnership Act assistance. Pre-employment inquiries about disabilities may be necessary under these laws to identify disabled applicants or clients in order to provide the required special services for such persons. These inquiries would not violate the ADA.

5.5(d) Information that May Be Requested on Application Forms or in Interviews.

An employer may ask questions to determine whether an applicant can perform specific job functions. The questions should focus on the applicant's ability to perform the job, not on a disability.

For example: An employer could attach a job description to the application form with information about specific job functions. Or the employer may describe the functions. This will make it possible to ask whether the applicant can perform these functions. It also will give an applicant with a disability needed information to request any accommodation required to perform a task. The applicant could be asked:

- **Are you able to perform these tasks with or without an accommodation?**

  If the applicant indicates that s/he can perform the tasks with an accommodation, s/he may be asked:

- **How would you perform the tasks, and with what accommodation(s)?**

However, the employer must keep in mind that it cannot refuse to hire a qualified individual with a disability because of this person's need for an accommodation that would be required by the ADA.

An employer may inform applicants on an application form that they may request any needed accommodation to participate in the application process. **For example**: accommodation for a test, a job interview, or a job demonstration.

The employer may wish to provide information on the application form and in the employment office about specific aspects of the job application process, so that applicants may request any needed accommodation. The employer is not required to provide such information, but without it the applicant may have no advance notice of the need to request an accommodation. Since the individual with a disability has the responsibility to request an accommodation and the employer has the responsibility to provide the accommodation (unless it would cause an undue hardship), providing advance information on various application procedures may help avoid last minute problems in making necessary accommodations. This information can be communicated orally or on tape for people who are visually impaired. (See also Testing, **5.6** below)

5.5(e) Making Job Applications Accessible

Employers have an obligation to make reasonable accommodations to enable an applicant with a disability to apply for a job. Some of the kinds of accommodations that may be needed have been suggested in the section on Accessibility of Job Information, **5.2** above. Individuals with visual or learning disabilities or other mental disabilities also may require assistance in filling out application forms.

5.5(f) The Job Interview

The basic requirements regarding pre-employment inquiries and the types of questions that are prohibited on job application forms **apply to the job interview as well**. (See **5.5(a)** and **(b)** above.) An interviewer may not ask questions about a disability, but may obtain more specific information about the ability to perform job tasks and about any needed accommodation, as set out below.

To assure that an interview is conducted in a nondiscriminatory manner, interviewers should be well-informed about the ADA's requirements. The employer may wish to provide written guidelines to people who conduct job interviews.

Most employment discrimination against people with disabilities is not intentional. Discrimination most frequently occurs because interviewers and others involved in hiring lack knowledge about the differing capabilities of individuals with disabilities and make decisions based on stereotypes, misconceptions, or unfounded fears. To avoid discrimination in the hiring process, employers may wish to provide "awareness" training for interviewers and others involved in the hiring process. Such training provides factual information about disability and the qualifications of people with disabilities, emphasizes the importance of individualized assessments, and helps interviewers feel more at ease in talking with people who have different disabilities.

Sources that provide "awareness training," some at little or no cost, may be found under this heading in the Resource Directory Index.

The job interview should focus on the ability of an applicant to perform the job, not on disability.

> **For example**: If a person has only one arm and an essential function of a job is to drive a car, the interviewer should not ask if or how the disability would affect this person's driving. The person may be asked if s/he has a valid driver's license, and whether s/he can perform any special aspect of driving that is required, such as frequent long-distance trips, with or without an accommodation.
>
> The interviewer also could obtain needed information about an applicant's ability and experience in relation to specific job requirements through statements and questions such as: "Eighty-percent of the time of this sales job must be spent on the road covering a three-state territory. What is your outside selling experience? Do you have a valid driver's license? What is your accident record?"

Where an applicant has a visible disability (for example, uses a wheelchair or a guide dog, or has a missing limb) or has volunteered information about a disability, the interviewer may not ask questions about:

- the nature of the disability;
- the severity of the disability;
- the condition causing the disability;
- any prognosis or expectation regarding the condition or disability; or
- whether the individual will need treatment or special leave because of the disability.

The interviewer may describe or demonstrate the specific functions and tasks of the job and ask whether an applicant can perform these functions with or without a reasonable accommodation.

> **For example:** An interviewer could say: "The person in this mailroom clerk position is responsible for receiving incoming mail and packages, sorting the mail, and taking it in a cart to many offices in two buildings, one block apart. The mailclerk also must receive incoming boxes of supplies up to 50 pounds in weight, and place them on storage shelves up to 6 feet in height. Can you perform these tasks? Can you perform them with or without a reasonable accommodation?"

As suggested above, (see **5.5(d)**), the interviewer also may give the applicant a copy of a detailed position description and ask whether s/he can perform the functions described in the position, with or without a reasonable accommodation.

Questions may be asked regarding ability to perform all job functions, not merely those that are essential to the job.

> **For example**: A secretarial job may involve the following functions:
>
> 1. transcribing dictation and written drafts from the supervisor and other staff into final written documents;
> 2. proof-reading documents for accuracy;
> 3. developing and maintaining files;
> 4. scheduling and making arrangements for meetings and conferences;

5. logging documents and correspondence in and out;

6. placing, answering, and referring telephone calls;

7. distributing documents to appropriate staff members;

8. reproducing documents on copying machines; and

9. occasional travel to perform clerical tasks at out of town conferences.

Taking into account the specific activities of the particular office in which this secretary will work, and availability of other staff, the employer has identified functions 1-6 as essential, and functions 7-9 as marginal to this secretary's job. The interviewer may ask questions related to all 9 functions; however, an applicant with limited mobility should not be screened out because of inability to perform the last 3 functions due to her disability. S/he should be evaluated on ability to perform the first 6 functions, with or without accommodation.

Inquiries Related to Ability to Perform Job Functions and Accommodations

An interviewer may obtain information about an applicant's ability to perform essential job functions and about any need for accommodation in several ways, depending on the particular job applicant and the requirements of a particular job:

- The applicant may be asked to describe or demonstrate how s/he will perform specific job functions, **if this is required of everyone applying for a job in this job category, regardless of disability.**

  For example: An employer might require all applicants for a telemarketing job to demonstrate selling ability by taking a simulated telephone sales test, but could not require that a person using a wheelchair take this test if other applicants are not required to take it.

- If an applicant has a **known** disability that would appear to interfere with or prevent performance of a job-related function, s/he may be asked to describe or demonstrate how this function would be performed, even if other applicants do not have to do so.

  > **For example**: If an applicant has one arm and the job requires placing bulky items on shelves up to six feet high, the interviewer could ask the applicant to demonstrate how s/he would perform this function, with or without an accommodation. If the applicant states that s/he can perform this function with a reasonable accommodation, for example, with a step stool fitted with a device to assist lifting, the employer either must provide this accommodation so that the applicant can show that s/he can shelve the items, or let the applicant describe how s/he would do this task.

- However, if an applicant has a known disability that would **not** interfere with or prevent performance of a job related function, the employer can only ask the applicant to demonstrate how s/he would perform the function if all applicants in the job category are required to do so, regardless of disability.

  > **For example**: If an applicant with one leg applies for a job that involves sorting small parts while seated, s/he may not be required to demonstrate the ability to do this job unless all applicants are required to do so.

If an applicant indicates that s/he cannot perform an essential job function even with an accommodation, the applicant would not be qualified for the job in question.

Inquiries About Attendance

An interviewer may not ask whether an applicant will need or request leave for medical treatment or for other reasons related to a disability.

The interviewer may provide information on the employer's regular work hours, leave policies, and any special attendance needs of the job, and ask if the applicant can meet these requirements (provided that the requirements actually are applied to employees in a particular job).

> **For example**: "Our regular work hours are 9 to 5, five days weekly, but we expect employees in this job to work overtime, evenings, and weekends for 6 weeks during the Christmas season and on certain other holidays. New employees get 1 week of vacation, 7 sick leave days and may take no more than 5 days of unpaid leave per year. Can you meet these requirements?"

Information about previous work attendance records may be obtained on the application form, in the interview or in reference checks, but the questions should not refer to illness or disability.

If an applicant has had a poor attendance record on a previous job, s/he may wish to provide an explanation that includes information related to a disability, but the employer should not ask whether a poor attendance record was due to illness, accident or disability. For example, an applicant might wish to disclose voluntarily that the previous absence record was due to surgery for a medical condition that is now corrected, treatment for cancer that is now in remission or to adjust medication for epilepsy, but that s/he is now fully able to meet all job requirements.

Accommodations for Interviews

The employer must provide an accommodation, if needed, to enable an applicant to have equal opportunity in the interview process. As suggested earlier, the employer may find it helpful to state in an initial job notice, and/or on the job application form, that applicants who need accommodation for an interview should request this in advance.

Needed accommodations for interviews may include:

- an accessible location for people with mobility impairments;
- a sign interpreter for a deaf person;
- a reader for a blind person.

Conducting an Interview

The purpose of a job interview is to obtain appropriate information about the background qualifications and other personal qualities of an applicant in relation to the requirements of a specific job.

This chapter has discussed ways to obtain this information by focusing on the abilities rather than the disability of a disabled applicant. However, there are other aspects of an interview that may create barriers to an accurate and objective assessment of an applicant's job qualifications. The interviewer may not know how to communicate effectively with people who have particular disabilities, or may make negative, incorrect assumptions about the abilities of a person with a disability because s/he misinterprets some external manifestation of the disability.

> **For example**. An interviewer may assume that a person who displays certain characteristics of cerebral palsy, such as indistinct speech, lisping, and involuntary or halting movements, is limited in intelligence. In fact, cerebral palsy does not affect intelligence at all.

If an applicant who is known to have a disability was referred by a rehabilitation agency or other source familiar with the person, it may be helpful to contact the agency to learn more about this individual's ability to perform specific job functions; however, questions should not be asked about the nature or extent of the person's disability. General information on different disabilities may be obtained from many organizations listed in the Resource Directory. See Index under the specific disability.

5.5(g) Background and Reference Checks

Before making a conditional job offer, an employer may not request any information about a job applicant from a previous employer, family member, or other source that it may not itself request of the job applicant.

If an employer uses an outside firm to conduct background checks, the employer should assure that this firm complies with the ADA's prohibitions on pre-employment inquiries. Such a firm is an agent of the employer. The employer is responsible for actions of its agents and may not do anything through a contractual relationship that it may not itself do directly.

Before making a conditional offer of employment, an employer may not ask previous employers or other sources about an applicant's:

- disability;
- illness;
- workers' compensation history;
- or any other questions that the employer itself may not ask of the applicant.

A previous employer may be asked about:

- job functions and tasks performed by the applicant;
- the quality and quantity of work performed;
- how job functions were performed;
- attendance record;
- other job-related issues that do not relate to disability.

If an applicant has a known disability and has indicated that s/he could perform a job with a reasonable accommodation, a previous employer may be asked about accommodations made by that employer.

5.6 Testing

Employers may use any kind of test to determine job qualifications. The ADA has two major requirements in relation to tests:

1. **If a test screens out or tends to screen out an individual with a disability or a class of such individuals on the basis of disability, it must be job-related and consistent with business necessity.**

- This requirement applies to all kinds of tests, including, but not limited to: aptitude tests, tests of knowledge and skill, intelligence tests, agility tests, and job demonstrations.

A test will most likely be an accurate predictor of the job performance of a person with a disability when it most directly or closely measures actual skills and ability needed to do a job. **For example**: a typing test, a sales demonstration test, or other job performance test would indicate what the individual actually could do in performing a job, whereas a test that measured general qualities believed to be desirable in a job may screen out people on the basis of disability who could do the job. **For example**, a standardized test used for a job as a heavy equipment operator might screen out a person with dyslexia or other learning disability who was able to perform all functions of the job itself.

An employer is only required to show that a test is job-related and consistent with business necessity if it screens out a person with a disability because of the disability. If a person was screened out for a reason unrelated to disability, ADA requirements do not apply.

> **For example**: If a person with paraplegia who uses a wheelchair is screened out because s/he does not have sufficient speed or accuracy on a typing test, this person probably was not screened out because of his or her disability. The employer has no obligation to consider this person for a job which requires fast, accurate typing.

Even if a test is job-related and justified by business necessity, the employer has an obligation to provide a specific reasonable accommodation, if needed. For example, upon request, test sites must be accessible to people who have mobility disabilities. The ADA also has a very specific requirement for accommodation in testing, described below.

2. Accommodation in testing

The ADA requires that tests be given to people who have impaired sensory, speaking or manual skills in a format and manner that does not require use of the impaired skill, unless the test is designed to measure that skill. (Sensory skills include the abilities to hear, see and to process information.)

The purpose of this requirement is to assure that tests accurately reflect a person's job skills, aptitudes, or whatever else the test is supposed to measure, rather than the person's impaired skills.

This requirement applies the reasonable accommodation obligation to testing. It protects people with disabilities from being excluded from jobs that they actually can do because a disability prevents them from taking a test or negatively influences a test result. However, an employer does not have to provide an alternative test format for a person with an impaired skill if the purpose of the test is to measure that skill.

For example:

- A person with dyslexia should be given an opportunity to take a written test orally, if the dyslexia seriously impairs the individual's ability to read. But if ability to read is a job-related function that the test is designed to measure, the employer could require that a person with dyslexia take the written test. However, even in this situation, reasonable accommodation should be considered. The person with dyslexia might be accommodated with a reader, unless the ability to read unaided is an essential job function, unless such an accommodation would not be possible on the job for which s/he is being tested, or would be an undue hardship. For example, the ability to read without help would be essential for a proofreader's job. Or, a dyslexic firefighter applicant might be disqualified if he could not quickly read necessary instructions for dealing with specific toxic substances at the site of a fire when no reader would be available.

- Providing extra time to take a test may be a reasonable accommodation for people with certain disabilities, such as visual impairments, learning disabilities, or mental retardation. On the other hand, an employer could require that an applicant complete a test within an established time frame if speed is one of the skills that the test is designed to measure. However, the results of a timed test should not be used to exclude a person with a disability, unless the test measures a particular speed necessary to perform an essential function of the job, and there is no reasonable accommodation that would enable this person to perform that function within prescribed time frames, or the accommodation would cause an undue hardship.

Generally, an employer is only required to provide such an accommodation if it knows, before administering a test, that an accommodation will be needed. Usually, it is the responsibility of the individual with a disability to request any required accommodation for a test. It has been suggested that the employer inform applicants, in advance, of any tests that will be administered as part of the application process so that they may request an accommodation, if needed. (See **5.5(d)** above.) The employer may require that an individual with a disability request an accommodation within a specific time period before administration of the test. The employer also may require that documentation of the need for accommodation accompany such a request.

Occasionally, however, an individual with a disability may not realize in advance that s/he will need an accommodation to take a particular test.

> **For example**: A person with a visual impairment who knows that there will be a written test may not request an accommodation because she has her own specially designed lens that usually is effective for reading printed material. However, when the test is distributed, she finds that her lens is not sufficient, because of unusually low color contrast between the paper and the ink. Under these circumstances, she might request an accommodation and the employer would be obligated to provide one. The employer might provide the test in a higher contrast format at that time, reschedule the test, or make any other effective accommodation that would not impose an undue hardship.

An employer is not required to offer an applicant the specific accommodation requested. This request should be given primary consideration, but the employer is only obligated to provide an effective accommodation. (See Chapter III.) The employer is only required to provide, upon request, an "accessible" test format for individuals whose disabilities impair sensory, manual, or speaking skills needed to take the test, unless the test is designed to measure these skills.

Some Examples of Alternative Test Formats and Accommodations:

- Substituting a written test for an oral test (or written instructions for oral instructions) for people with impaired speaking or hearing skills;

- Administering a test in large print, in Braille, by a reader, or on a computer for people with visual or other reading disabilities;

- Allowing people with visual or learning disabilities or who have limited use of their hands to record test answers by tape recorder, dictation or computer;
- Providing extra time to complete a test for people with certain learning disabilities or impaired writing skills;
- Simplifying test language for people who have limited language skills because of a disability;
- Scheduling rest breaks for people with mental and other disabilities that require such relief;
- Assuring that a test site is accessible to a person with a mobility disability;
- Allowing a person with a mental disability who cannot perform well if there are distractions to take a test in a separate room, if a group test setting is not relevant to the job itself;
- Where it is not possible to test an individual with a disability in an alternative format, an employer may be required, as a reasonable accommodation, to evaluate the skill or ability being tested through some other means, such as an interview, education, work experience, licenses or certification, or a job demonstration for a trial period.

There are a number of technical assistance resources for effective alternative methods of testing people with different disabilities. (See "Alternative Testing Formats" in Resource Directory Index).

VI. MEDICAL EXAMINATIONS AND INQUIRIES

6.1 Overview of Legal Obligations

Pre-Employment, Pre-Offer

- An employer may not require a job applicant to take a medical examination, to respond to medical inquiries or to provide information about workers' compensation claims before the employer makes a job offer.

Pre-Employment, Post-Offer

- An employer may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if this is required of all entering employees in the same job category. A post-offer examination or inquiry does not have to be "job-related" and "consistent with business necessity." Questions also may be asked about previous injuries and workers' compensation claims.

- If an individual is not hired because a post-offer medical examination or inquiry reveals a disability, the reason(s) for not hiring must be job-related and necessary for the business. The employer also must show that no reasonable accommodation was available that would enable this individual to perform the essential job functions, or that accommodation would impose an undue hardship.

- A post-offer medical examination may disqualify an individual who would pose a "direct threat" to health or safety. Such a disqualification is job-related and consistent with business necessity.

- A post-offer medical examination may not disqualify an individual with a disability who is currently able to perform essential job functions because of speculation that the disability may cause a risk of future injury.

Employee Medical Examinations and Inquiries

- After a person starts work, a medical examination or inquiry of an employee must be job related and necessary for the business.

- Employers may conduct employee medical examinations where there is evidence of a job performance or safety problem, examinations required by other Federal laws, examinations to determine current "fitness" to perform a particular job and voluntary examinations that are part of employee health programs.

Confidentiality

- Information from all medical examinations and inquiries must be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions specified in the ADA. (See **6.5** below.)

Drug Testing

- Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to the restrictions on such examinations. (See Chapter VIII.)

6.2 Basic Requirements

The ADA does not prevent employers from obtaining medical and related information necessary to evaluate the ability of applicants and employees to perform essential job functions, or to promote health and safety on the job. However, to protect individuals with disabilities from actions based on such information that are not job-related and consistent with business necessity, including protection of health and safety, the ADA imposes specific and differing obligations on the employer at three stages of the employment process:

1. **Before making a job offer**, an employer may not make any medical inquiry or conduct any medical examination.

2. **After making a conditional job offer,** before a person starts work, an employer may make unrestricted medical inquiries, but may not refuse to hire an individual with a disability based on results of such inquiries, unless the reason for rejection is job-related and justified by business necessity.

3. **After employment**, any medical examination or inquiry required of an employee must be job-related and justified by business necessity. Exceptions are voluntary examinations conducted as part of employee health programs and examinations required by other federal laws.

Under the ADA, "medical" documentation concerning the qualifications of an individual with a disability, or whether this individual constitutes a "direct threat" to health and safety, does not mean only information from medical doctors. It may be necessary to obtain information from other sources, such as rehabilitation experts, occupational or physical therapists, psychologists, and others knowledgeable about the individual and the disability concerned. It also may be more relevant to look at the individual's previous work history in making such determinations than to rely on an examination or tests by a physician.

The basic requirements regarding actions based on medical information and inquiries have been set out in Chapter IV. As emphasized there, such actions taken because of a disability **must be job-related** and **consistent with business necessity**. When an individual is rejected as a **"direct threat"** to health and safety:

- **the employer must be prepared to show a significant current risk of substantial harm (not a speculative or remote risk);**
- **the specific risk must be identified;**
- **the risk must be documented by objective medical or other factual evidence regarding the particular individual;**
- **even if a genuine significant risk of substantial harm exists, the employer must consider whether it can be eliminated or reduced below the level of a "direct threat" by reasonable accommodation.**

This chapter discusses in more detail the content and manner of medical examinations and inquiries that may be made, and the documentation that may be required (1) before employment and (2) after employment.

6.3 Examinations and Inquiries Before Employment

No Pre-Offer Medical Examination or Inquiry

The ADA prohibits medical inquiries or medical examinations before making a conditional job offer to an applicant. This prohibition is necessary because the results of such inquiries and examinations frequently are used to exclude people with disabilities from jobs they are able to perform.

Some employers have medical policies or rely on doctors' medical assessments that overestimate the impact of a particular condition on a particular individual, and/or underestimate the ability of an individual to cope with his or her condition. Medical policies that focus on **disability,** rather than the **ability** of a particular person, frequently will be discriminatory under the ADA.

> **For example**: A policy that prohibits employment of any individual who has epilepsy, diabetes or a heart condition from a certain type of job, and which does not consider the ability of a particular individual, in most cases would violate the ADA. (See Chapter IV.)

Many employers currently use a pre-employment medical questionnaire, a medical history, or a pre-employment medical examination as one step in a several-step selection process. Where this is so, an individual who has a "hidden" disability such as diabetes, epilepsy, heart disease, cancer, or mental illness, and who is rejected for a job, frequently does not know whether the reason for rejection was information revealed by the medical exam or inquiry (which may not have any relation to this person's ability to do the job), or whether the rejection was based on some other aspect of the selection process.

A history of such rejections has discouraged many people with disabilities from applying for jobs, because of fear that they will automatically be rejected when their disability is revealed by a medical examination. The ADA is designed to remove this barrier to employment.

6.4 Post-Offer Examinations and Inquiries Permitted

The ADA recognizes that employers may need to conduct medical examinations to determine if an applicant can perform certain jobs effectively and safely. The ADA requires only that such examinations be conducted as a separate, second step of the selection process, after an individual has met all other job pre-requisites. The employer may make a job offer to such an individual, conditioned on the satisfactory outcome of a medical examination or inquiry, providing that the employer requires such examination or inquiry for all entering employees in a particular job category, not merely individuals with known disabilities, or those whom the employer believes may have a disability.

A post-offer medical examination does not have to be given to all entering employees in all jobs, only to those in the same job category.

For example: An examination might be given to all entering employees in physical labor jobs, but not to employees entering clerical jobs.

The ADA does not require an employer to justify its requirement of a post-offer medical examination. An employer may wish to conduct a post-offer medical exam or make post-offer medical inquiries for purposes such as:

To determine if an individual currently has the physical or mental qualifications necessary to perform certain jobs:

For example: If a job requires continuous heavy physical exertion, a medical examination may be useful to determine whether an applicant's physical condition will permit him/her to perform the job.

To determine that a person can perform a job without posing a "direct threat" to the health or safety of self or others.

For example:

- A medical examination and evaluation might be required to ensure that prospective construction crane operators do not have disabilities such as uncontrolled seizures that would pose a significant risk to other workers.
- Workers in certain health care jobs may need to be examined to assure that they do not have a current contagious disease or infection that would pose a significant risk of transmission to others, and that could not be accommodated (for example, by giving the individual a delayed starting date until the period of contagion is over).

Compliance with medical requirements of other Federal laws

Employers may comply with medical and safety requirements established under other Federal laws without violating the ADA.

For example: Federal Highway Administration regulations require medical examinations and evaluations of interstate truck drivers, and the Federal Aviation Administration requires examinations for pilots and air controllers.

However, an employer still has an obligation to consider whether there is a reasonable accommodation, consistent with the requirements of other Federal laws, that would not exclude individuals who can perform jobs safely.

Employers also may conduct post-offer medical examinations that are required by state laws, but, as explained in Chapter IV, may not take actions based on such examinations if the state law is inconsistent with ADA requirements. (See Health and Safety Requirements of Other Federal or State Laws, **4.6**.)

Information That May Be Requested in Post-Offer Examinations or Inquiries

After making a conditional job offer, an employer may make inquiries or conduct examinations to get any information that it believes to be relevant to a person's ability to perform a job. **For example**, the employer may require a full physical examination. An employer may ask questions that are prohibited as pre-employment inquiries about previous illnesses, diseases or medications. (See Chapter V.)

If a post-offer medical examination is given, it must be administered to all persons entering a job category. If a response to an initial medical **inquiry** (such as a medical history questionnaire) reveals that an applicant has had a previous injury, illness, or medical condition, the employer cannot require the applicant to undergo a medical **examination** unless all applicants in the job category are required to have such examination. However, the ADA does not require that the scope of medical examinations must be identical. An employer may give follow-up tests or examinations where an examination indicates that further information is needed.

> For example: All potential employees in a job category must be given a blood test, but if a person's initial test indicates a problem that may affect job performance, further tests may be given to that person only, in order to get necessary information.

A **post-offer** medical examination or inquiry, made before an individual starts work, need not focus on ability to perform job functions. Such inquiries and examinations themselves, unlike examinations/inquiries of **employees,** do not have to be "job related" and "consistent with business necessity." However, if a conditional job offer is withdrawn because of the results of such examination or inquiry, an employer must be able to show that:

- the reasons for the exclusion are job-related and consistent with business necessity, or the person is being excluded to avoid a "direct threat" to health or safety; and that

- no reasonable accommodation was available that would enable this person to perform the essential job functions without a significant risk to health or safety, or that such an accommodation would cause undue hardship.

Some examples of post-offer decisions that might be job-related and justified by business necessity, and/or where no reasonable accommodation was possible:

- a medical history reveals that the individual has suffered serious multiple re-injuries to his back doing similar work, which have progressively worsened the back condition. Employing this person in this job would incur significant risk that he would further re-injure himself.

- a workers' compensation history indicates multiple claims in recent years which have been denied. An employer might have a legitimate business reason to believe that the person has submitted fraudulent claims. Withdrawing a job offer for this reason would not violate the ADA, because the decision is not based on disability.

- a medical examination reveals an impairment that would require the individual's frequent lengthy absence from work for medical treatment, and the job requires daily availability for the next 3 months. In this situation, the individual is not available to perform the essential functions of the job, and no accommodation is possible.

Examples of discriminatory use of examination results that are not job related and justified by business necessity:

- A landscape firm sent an applicant for a laborer's job (who had been doing this kind of work for 20 years) for a physical exam. An x-ray showed that he had a curvature of the spine. The doctor advised the firm not to hire him because there was a risk that he might injure his back at some time in the future. The doctor provided no specific medical documentation that this would happen or was likely to happen. The company provided no description of the job to the doctor. The job actually involved riding a mechanical mower. This unlawful exclusion was based on speculation about future risk of injury, and was not job-related.

- An individual is rejected from a job because he cannot lift more than 50 pounds. The job requires lifting such a weight only occasionally. The employer has not considered possible accommodations, such as sharing the occasional heavy weight lifting with another employee or providing a device to assist lifting.

Risk Cannot be Speculative or Remote

The results of a medical examination may not disqualify persons **currently** able to perform essential job functions because of unsubstantiated **speculation** about future risk.

The results of a medical inquiry or examination may not be used to disqualify persons who are currently able to perform the essential functions of a job, either with or without an accommodation, because of **fear** or **speculation** that a disability may indicate a greater risk of future injury, or absenteeism, or may cause future workers' compensation or insurance costs. An employer may use such information to exclude an individual with a disability where there is specific medical documentation, reflecting current medical knowledge, that this individual would pose a significant, current risk of substantial harm to health or safety. (See Standards for Health and Safety: "Direct Threat" Chapter IV.)

For example:

- An individual who has an abnormal back X-ray may not be disqualified from a job that requires heavy lifting because of fear that she will be more likely to injure her back or cause higher workers' compensation or health insurance costs. However, where there is documentation that this individual has injured and re-injured her back in similar jobs, and the back condition has been aggravated further by injury, **and** if there is no reasonable accommodation that would eliminate the risk of reinjury or reduce it to an acceptable level, an employer would be justified in rejecting her for this position.

- If a medical examination reveals that an individual has epilepsy and is seizure-free or has adequate warning of a seizure, it would be unlawful to disqualify this person from a job operating a machine because of fear or speculation that he might pose a risk to himself or others. But if the examination and other medical inquiries reveal that an individual with epilepsy has seizures resulting in loss of consciousness, there could be evidence of significant risk in employing this person as a machine operator. However, even where the person might endanger himself by operating a machine, an accommodation, such as placing a shield over the machine to protect him, should be considered.

The Doctor's Role

A doctor who conducts medical examinations for an employer should not be responsible for making employment decisions or deciding whether or not it is possible to make a reasonable accommodation for a person with a disability. That responsibility lies with the employer.

The doctor's role should be limited to advising the employer about an individual's functional abilities and limitations in relation to job functions, and about whether the individual meets the employer's health and safety requirements.

Accordingly, employers should provide doctors who conduct such examinations with **specific** information about the job, including the type of information indicated in the discussions of "job descriptions" and "job analysis" in Chapter II. (See **2.3**.)

Often, particularly when an employer uses an outside doctor who is not familiar with actual demands of the job, a doctor may make incorrect assumptions about the nature of the job functions and specific tasks, or about the ability of an individual with a disability to perform these tasks with a reasonable accommodation. It may be useful for the doctor to visit the job site to see how the job is done.

The employer should inform the doctor that any recommendations or conclusions related to hiring or placement of an individual should focus on only two concerns:

1. **Whether this person currently is able to perform this specific job, with or without an accommodation.**

   This evaluation should look at the individual's specific abilities and limitations in regard to specific job demands.

> **For example**: The evaluation may indicate that a person can lift up to 30 pounds and can reach only 2 feet above the shoulder; the job as usually performed (without accommodation) requires lifting 50 pound crates to shelves that are 6 feet high.

2. **Whether this person can perform this job without posing a "direct threat" to the health or safety of the person or others.**

The doctor should be informed that the employer must be able to show that an exclusion of an individual with a disability because of a risk to health or safety meets the "direct threat" standard of the ADA, based on "the most current medical knowledge and/or the best available objective evidence about this individual." (See Chapter IV., Standards Necessary for Health and Safety, and **6.2** above.)

> **For example**: If a post-offer medical questionnaire indicates that a person has a history of repetitive motion injuries but has had successful surgery with no further problems indicated, and a doctor recommends that the employer reject this candidate because this medical history indicates that she would pose a higher risk of future injury, the employer would violate the ADA if it acted on the doctor's recommendation based only on the history of injuries. In this case, the doctor would not have considered this person's actual current condition as a result of surgery.

A doctor's evaluation of any future risk must be supported by valid medical analyses indicating a high probability of substantial harm if **this individual** performed the particular functions of the particular job in question. Conclusions of general medical studies about work restrictions for people with certain disabilities will not be sufficient evidence, because they do not relate to a particular individual and do not consider reasonable accommodation.

The employer should not rely only on a doctor's opinion, but on the **best available objective evidence**. This may include the experience of the individual with a disability in previous similar jobs, occupations, or non-work activities, the opinions of other doctors with expertise on the particular disability, and the advice of rehabilitation counselors, occupational or physical therapists, and others with direct knowledge of the disability and/or the individual concerned. Organizations such as Independent Living Centers, public and private rehabilitation agencies, and organizations serving people with specific disabilities such as the Epilepsy Foundation, United Cerebral Palsy Associations, National Head Injury Foundation, and many others can provide such assistance. (See Resource Directory.)

Where the doctor's report indicates that an individual has a disability that may prevent performance of essential job functions, or that may pose a "direct threat" to health or safety, the employer also may seek his/her advice on possible accommodations that would overcome these disqualifications.

6.5 Confidentiality and Limitations on Use of Medical Information

Although the ADA does not limit the nature or extent of post-offer medical examinations and inquiries, it imposes very **strict limitations on the use of information** obtained from such examinations and inquiries. These limitations also apply to information obtained from examinations or inquiries of employees.

- All information obtained from post-offer medical examinations and inquiries must be collected and maintained on separate forms, in separate medical files and must be treated as a **confidential medical record.** Therefore, an employer should not place any medical-related material in an employee's personnel file. The employer should take steps to guarantee the security of the employee's medical information, including:
    - keeping the information in a medical file in a separate, locked cabinet, apart from the location of personnel files; and
    - designating a specific person or persons to have access to the medical file.
- All medical-related information must be kept confidential, with the following exceptions:
    - Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;
    - First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations.

- Government officials investigating compliance with the ADA and other Federal and state laws prohibiting discrimination on the basis of disability or handicap should be provided relevant information on request. (Other Federal laws and regulations also may require disclosure of relevant medical information.)

- Relevant information may be provided to state workers' compensation offices or "second injury" funds, in accordance with state workers' compensation laws. (See Chapter IX., Workers' Compensation and Work-Related Injury.)

- Relevant information may be provided to insurance companies where the company requires a medical examination to provide health or life insurance for employees. (See Health Insurance and Other Benefit Plans, Chapter VII.)

6.6 Employee Medical Examinations and Inquiries

The ADA's requirements concerning medical examinations and inquiries of **employees** are more stringent than those affecting applicants who are being evaluated for employment after a conditional job offer. In order for a medical examination or inquiry to be made of an employee, it must be job related and consistent with business necessity. The need for the examination may be triggered by some evidence of problems related to job performance or safety, or an examination may be necessary to determine whether individuals in physically demanding jobs continue to be fit for duty. In either case, the scope of the examination also must be job-related.

For example:

- An attorney could not be required to submit to a medical examination or inquiry just because her leg had been amputated. The essential functions of an attorney's job do not require use of both legs; therefore such an inquiry would not be job related.

- An employer may require a warehouse laborer, whose back impairment affects the ability to lift, to be examined by an orthopedist, but may not require this employee to submit to an HIV test where the test is not related to either the essential functions of his job or to his impairment.

Medical examinations or inquiries may be job related and necessary under several circumstances:

- **When an employee is having difficulty performing his or her job effectively**. In such cases, a medical examination may be necessary to determine if s/he can perform essential job functions with or without an accommodation.

  For example: If an employee falls asleep on the job, has excessive absenteeism, or exhibits other performance problems, an examination may be needed to determine if the problem is caused by an underlying medical condition, and whether medical treatment is needed. If the examination reveals an impairment that is a disability under the ADA, the employer must consider possible reasonable accommodations. If the impairment is not a disability, the employer is not required to make an accommodation.

  For example: An employee may complain of headaches caused by noise at the worksite. A medical examination may indicate that there is no medically discernible mental or physiological disorder causing the headaches. This employee would not be "an individual with a disability" under the ADA, and the employer would have no obligation to provide an accommodation. The employer may voluntarily take steps to improve the noise situation, particularly if other employees also suffer from noise, but would have no obligation to do so under the ADA.

- **When An Employee Becomes Disabled**

  An employee who is injured on or off the job, who becomes ill, or suffers any other condition that meets the ADA definition of "disability," is protected by the Act if s/he can perform the essential functions of the job with or without reasonable accommodation.

  Employers are accustomed to dealing with injured workers through the workers' compensation process and disability management programs, but they have different, although not necessarily conflicting obligations under the ADA. The relationship between ADA, workers' compensation requirements and medical examinations and inquiries is discussed in Chapter IX.

  Under the ADA, medical information or medical examinations may be required when an employee suffers an injury on the job. Such an examination or inquiry also may be required when an employee wishes to return to work after an injury or illness, if it is job-related and consistent with business necessity:

- to determine if the individual meets the ADA definition of "individual with a disability," if an accommodation has been requested.
- to determine if the person can perform essential functions of the job currently held, (or held before the injury or illness), with or without reasonable accommodation, and without posing a "direct threat" to health or safety that cannot be reduced or eliminated by reasonable accommodation.
- to identify an effective accommodation that would enable the person to perform essential job functions in the current (previous) job, or in a vacant job for which the person is qualified (with or without accommodation). (See Chapter IX.)

- **Examination Necessary for Reasonable Accommodation**

A medical examination may be required if an employee requests an accommodation on the basis of disability. An accommodation may be needed in an employee's existing job, or if the employee is being transferred or promoted to a different job. Medical information may be needed to determine if the employee has a disability covered by the ADA and is entitled to an accommodation, and if so, to help identify an effective accommodation.

Medical inquiries related to an employee's disability and functional limitations may include consultations with knowledgeable professional sources, such as occupational and physical therapists, rehabilitation specialists, and organizations with expertise in adaptations for specific disabilities.

- **Medical examinations, screening and monitoring required by other laws.**

Employers may conduct periodic examinations and other medical screening and monitoring required by federal, state or local laws. As indicated in Chapter IV, the ADA recognizes that an action taken to comply with another Federal law is job-related and consistent with business necessity; however, requirements of state and local laws do not necessarily meet this standard unless they are consistent with the ADA.

For example: Employers may conduct medical examinations and medical monitoring required by:

- The U.S. Department of Transportation for interstate bus and truck drivers, railroad engineers, airline pilots and air controllers;
- The Occupational Safety and Health Act:
- The Federal Mine Health and Safety Act;
- Other statutes that require employees exposed to toxic or hazardous substances to be medically monitored at specific intervals.

However, if a state or local law required that employees in a particular job be periodically tested for AIDS or the HIV virus, the ADA would prohibit such an examination unless an employer can show that it is job-related and consistent with business necessity, or required to avoid a direct threat to health or safety. (See Chapter IV.)

- **Voluntary "Wellness" and Health Screening Programs**

  An employer may conduct voluntary medical examinations and inquiries as part of an employee health program (such as medical screening for high blood pressure, weight control, and cancer detection), providing that:

  - participation in the program is voluntary;
  - information obtained is maintained according to the confidentiality requirements of the ADA (See 6.5); and
  - this information is not used to discriminate against an employee.

Information from Medical Inquiries May Not be Used to Discriminate

An employer may not use information obtained from an employee medical examination or inquiry to discriminate against the employee in any employment practice. (See Chapter VII.)

Confidentiality

All information obtained from employee medical examinations and inquiries must be maintained and used in accordance with ADA confidentiality requirements. (See **6.5** above.)

VII. NONDISCRIMINATION IN OTHER EMPLOYMENT PRACTICES

7.1 Introduction

The nondiscrimination requirements of the ADA apply to all employment practices and activities. The preceding chapters have explained these requirements as they apply to job qualification and selection standards, the hiring process, and medical examinations and inquiries. This chapter discusses the application of nondiscrimination requirements to other employment practices and activities.

In most cases, an employer need only apply the basic nondiscrimination principles already emphasized; however, there are also some special requirements applicable to certain employment activities. This chapter discusses:

- the ADA's prohibition of discrimination on the basis of a **relationship or association with** an individual with a disability;
- nondiscrimination requirements affecting:
  - **promotion, assignment, training, evaluation, discipline, advancement opportunity and discharge;**
  - **compensation, insurance, leave, and other benefits and privileges of employment; and**
  - **contractual relationships.**

7.2 Overview of Legal Obligations

- An employer may not discriminate against a qualified individual with a disability because of the disability, in any employment practice, or any term, condition or benefit of employment.
- An employer may not deny an employment opportunity because an individual, with or without a disability, has a **relationship or association with** an individual who has a disability.
- An employer may not participate in a contractual or other arrangement that subjects the employer's qualified applicant or employee with a disability to discrimination.

- An employer may not discriminate or retaliate against any individual, whether or not the individual is disabled, because the individual has opposed a discriminatory practice, filed a discrimination charge, or participated in any way in enforcing the ADA.

7.3 Nondiscrimination in all Employment Practices

The ADA prohibits discrimination against a qualified individual with a disability on the basis of disability in the following employment practices:

- Recruitment, advertising, and job application procedures;

- Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

- Rates of pay or any other form of compensation, and changes in compensation;

- Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

- Leaves of absence, sick leave, or any other leave;

- Fringe benefits available by virtue of employment, whether or not administered by the covered entity;

- Selection and financial support for training, including: apprenticeships, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

- Activities sponsored by a covered entity including social and recreational programs; and

- Any other term, condition, or privilege of employment.

Nondiscrimination, as applied to all employment practices, means that:

- an individual with a disability should have equal access to any employment opportunity available to a similarly situated individual who is not disabled;

- employment decisions concerning an employee or applicant should be based on objective factual evidence about the particular individual, not on assumptions or stereotypes about the individual's disability;

- the qualifications of an individual with a disability may be evaluated on ability to perform all job-related functions, with or without reasonable accommodation. However, an individual may not be excluded from a job because a disability prevents performance of marginal job functions;

- an employer must provide a reasonable accommodation that will enable an individual with a disability to have an equal opportunity in every aspect of employment, unless a particular accommodation would impose an undue hardship;

- an employer may not use an employment practice or policy that screens out or tends to screen out an individual with a disability or a class of individuals with disabilities, unless the practice or policy is job related and consistent with business necessity and the individual cannot be accommodated without undue hardship;

- an employer may not limit, segregate, or classify an individual with a disability in any way that negatively affects the individual in terms of job opportunity and advancement;

- an individual with a disability should not because of a disability be treated differently than a similarly situated individual in any aspect of employment, except when a reasonable accommodation is needed to provide an equal employment opportunity, or when another Federal law or regulation requires different treatment.

These requirements are discussed in this chapter as they apply to various employment practices. The prohibition against retaliation is discussed in Chapter X.

7.4 Nondiscrimination and Relationship or Association with an Individual with a Disability

The ADA specifically provides that an employer or other covered entity may not deny an employment opportunity or benefit to an individual, whether or not that individual is disabled, because that individual has a **known relationship or association** with an individual who has a disability. Nor may an employer discriminate in any other way against an individual, whether or not disabled, because that individual has such a relationship or association.

The term "relationship or association" refers to family relationships and any other social or business relationship or association. Therefore, this provision of the law prohibits employers from making employment decisions based on concerns about the disability of a family member of an applicant or employee, or anyone else with whom this person has a relationship or association.

> **For example**: An employer may not:
>
> - refuse to hire or fire an individual because the individual has a spouse, child, or other dependent who has a disability. The employer may not assume that the individual will be unreliable, have to use leave time, or be away from work in order to care for the family member with a disability;
> - refuse to hire or fire an individual because s/he has a spouse, child or other dependent who has a disability that is either not covered by the employer's current health insurance plan or that may cause future increased health care costs;
> - refuse to insure, or subject an individual to different terms or conditions of insurance, solely because the individual has a spouse, child, or other dependent who has a disability;
> - refuse to hire or fire an individual because the individual has a relationship or association with a person or persons who have disabilities.
>
> **For example**: an employer cannot fire an employee because s/he does volunteer work with people who have AIDS.

This provision of the law prohibits discrimination in employment decisions concerning an individual, whether the individual is or is not disabled, because of a known relationship or association with an individual with a disability. However, an employer is not obligated to provide a reasonable accommodation to a **nondisabled** individual, because this person has a relationship or association with a disabled individual. The obligation to make a reasonable accommodation applies only to qualified individuals with disabilities.

> **For example**: The ADA does not require that an employer provide an employee who is not disabled with a modified work schedule as an accommodation, to enable the employee to care for a spouse or child with a disability.

7.5 Nondiscrimination and Opportunity for Advancement

The nondiscrimination requirements that apply to initial selection apply to all aspects of employment, including opportunities for advancement. For example, an employer may not discriminate in promotion, job classification, evaluation, disciplinary action, opportunities for training, or participation in meetings and conferences. In particular, an employer:

- should not assume that an individual is not interested in, or not qualified for, advancement because of disability;
- should not deny a promotion because of the need to make an accommodation, unless the accommodation would cause an undue hardship;
- should not place individuals with disabilities in separate lines of progression or in segregated units or locations that limit opportunity for advancement;
- should assure that supervisors and managers who make decisions regarding promotion and advancement are aware of ADA nondiscrimination requirements.

7.6 Training

Employees with disabilities must be provided equal opportunities to participate in training to improve job performance and provide opportunity for advancement. Training opportunities cannot be denied because of the need to make a reasonable accommodation, unless the accommodation would be an undue hardship. Accommodations that may be necessary, depending on the needs of particular individuals, may include:

- accessible locations and facilities for people with mobility disabilities;
- interpreters and note-takers for employees who are deaf;
- materials in accessible formats and/or readers for people who are visually impaired, for people with learning disabilities, and for people with mental retardation;
- if audiovisual materials are used, captions for people who are deaf, and voice-overs for people who are visually impaired;

- good lighting on an interpreter, and good general illumination for people with visual impairments and other disabilities;

- clarification of concepts presented in training for people who have reading or other disabilities;

- individualized instruction for people with mental retardation and certain other disabilities.

If an employer contracts for training with a training company, or contracts for training facilities such as hotels or conference centers, the employer is responsible for assuring accessibility and other needed accommodations.

It is advisable that any contract with a company or facility used for training include a provision requiring the other party to provide needed accommodations. However, if the contractor does not do so, the employer remains responsible for providing the accommodation, unless it would cause an undue hardship.

> **For example**: Suppose a company with which an employer has contracted proposes to conduct training at an inaccessible location. The employer is responsible for providing an accommodation that would enable an employee who uses a wheelchair to obtain this training. The employer might do this by: requiring the training company to relocate the program to an accessible site; requiring the company to make the site (including all facilities used by trainees) accessible; making the site accessible or providing resources that enable the training company to do so; contracting with another training company that uses accessible sites; or providing any other accommodation (such as temporary ramps) that would not impose an undue hardship. If it is impossible to make an accommodation because the need is only discovered when an employee arrives at the training site, the employer may have to provide accessible training at a later date.
>
> **Or, for example**: An employer contracts with a hotel to hold a conference for its employees. The employer must assure physical and communications accessibility for employees with disabilities, including accessibility of guest rooms and all meeting and other rooms used by attendees. The employer may assure accessibility by inspecting the site, or may ask a local disability group with accessibility expertise (such as an Independent Living Center) to do so. The employer remains responsible for assuring accessibility. However, if the hotel breaches a contract provision requiring accessibility, the hotel may be liable to the employer under regular (non-ADA) breach of contract law. The hotel also may be liable

under Title III of the ADA, which requires accessibility in public accommodations.

7.7 Evaluations, Discipline and Discharge

- An employer can hold employees with disabilities to the same standards of production/performance as other similarly situated employees without disabilities for performing essential job functions (with or without reasonable accommodation).

- An employer also can hold employees with disabilities to the same standards of production/performance as other employees regarding marginal job functions, unless the disability affects the ability to perform these marginal functions. If the ability to perform marginal functions is affected by the disability, the employer must provide some type of reasonable accommodation such as job restructuring (unless to do so would be an undue hardship).

- A disabled employee who needs an accommodation (that is not an undue hardship for an employer) in order to perform a job function should not be evaluated on his/her ability to perform the function without the accommodation, and should not be downgraded because such an accommodation is needed to perform the function.

- An employer should not give employees with disabilities "special treatment." They should not be evaluated on a lower standard or disciplined less severely than any other employee. This is not equal employment opportunity.

- An employer must provide an employee with a disability with reasonable accommodation necessary to enable the employee to participate in the evaluation process (for example, counseling or an interpreter).

- If an employee with a disability is not performing well, an employer may require medical and other professional inquiries that are job-related and consistent with business necessity to discover whether the disability is causing the poor performance, and whether any reasonable accommodation or additional accommodation is needed. (See Chapter VI.)

- An employer may take the same disciplinary action against employees with disabilities as it takes against other similarly situated employees, if the illegal use of drugs or alcohol use affects job performance and/or attendance. (See Chapter VIII.)

- An employer may not discipline or terminate an employee with a disability if the employer has refused to provide a requested reasonable accommodation that did not constitute an undue hardship, and the reason for unsatisfactory performance was the lack of accommodation.

7.8 Compensation

- An employer cannot reduce pay to an employee with a disability because of the elimination of a marginal job function or because it has provided a reasonable accommodation, such as specialized or modified equipment. The employer can give the employee with a disability other marginal functions that s/he can perform.

- An employee who is reassigned to a lower paying job or provided a part-time job as an accommodation may be paid the lower amount that would apply to such positions, consistent with the employer's regular compensation practices.

7.9 Health Insurance and Other Employee Benefit Plans

As discussed above, an employer or other covered entity may not limit, segregate or classify an individual with a disability, on the basis of disability, in a manner that adversely affects the individual's employment. This prohibition applies to the provision and administration of health insurance and other benefit plans, such as life insurance and pension plans.

This means that:

- If an employer provides insurance or other benefit plans to its employees, it must provide the same coverage to its employees with disabilities. Employees with disabilities must be given equal access to whatever insurance or benefit plans the employer provides.

- An employer cannot deny insurance to an individual with a disability or subject an individual with a disability to different terms or conditions of insurance, based on disability alone, if the disability does not pose increased insurance risks. Nor may the employer enter into any contract or agreement with an insurance company or other entity that has such effect.

- An employer cannot fire or refuse to hire an individual with a disability because the employer's current health insurance plan does not cover the individual's disability, or because the individual may increase the employer's future health care costs.

- An employer cannot fire or refuse to hire an individual (whether or not that individual has a disability) because the individual has a family member or dependent with a disability that is not covered by the employer's current health insurance plan, or that may increase the employer's future health care costs.

While establishing these protections for employees with disabilities, the ADA permits employers to provide insurance plans that comply with existing Federal and state insurance requirements, even if provisions of these plans have an adverse affect on people with disabilities, provided that the provisions are not used as a subterfuge to evade the purpose of the ADA.

Specifically, the ADA provides that:

- Where an employer provides health insurance through an insurance carrier that is regulated by state law, it may provide coverage in accordance with accepted principles of risk assessment and/or risk classification, as required or permitted by such law, even if this causes limitations in coverage for individuals with disabilities.

- Similarly, self-insured plans which are not subject to state law may provide coverage in a manner that is consistent with basic accepted principles of insurance risk classification, even if this results in limitations in coverage to individuals with disabilities.

In each case, such activity is permitted only if it is not being used as a subterfuge to evade the intent of the ADA. Whether or not an activity is being used as a subterfuge will be determined regardless of the date that the insurance plan or employee benefit plan was adopted.

This means that:

- An employer may continue to offer health insurance plans that contain pre-existing condition exclusions, even if this adversely affects individuals with disabilities, unless these exclusions are being used as a subterfuge to evade the purpose of the ADA.

- An employer may continue to offer health insurance plans that limit coverage for certain procedures, and/or limit particular treatments to a specified number per year, even if these restrictions adversely affect individuals with disabilities, as long as the restrictions are uniformly applied to all insured individuals, regardless of the disability.

> **For example**, an employer can offer a health insurance plan that limits coverage of blood transfusions to five transfusions per year for all employees, even though an employee with hemophilia may require more than five transfusions per year. However, the employer could not deny this employee coverage for another, otherwise covered procedure, because the plan will not pay for the additional blood transfusions that the procedure would require.

- An employer may continue to offer health insurance plans that limit reimbursements for certain types of drugs or procedures, even if these restrictions adversely affect individuals with disabilities, as long as the restrictions are uniformly applied without regard to disability.

> **For example**, an employer can offer a health insurance plan that does not cover experimental drugs or procedures, as long as this restriction is applied to all insured individuals.

7.10 Leave

- An employer may establish attendance and leave policies that are uniformly applied to all employees, regardless of disability, but may not refuse leave needed by an employee with a disability if other employees get such leave.

- An employer may be required to make adjustments in leave policy as a reasonable accommodation. The employer is not obligated to provide additional paid leave, but accommodations may include leave flexibility and unpaid leave. (See Chapter III.)

- A uniformly applied leave policy does not violate the ADA because it has a more severe effect on an individual because of his/her disability. However, if an individual with a disability requests a modification of such a policy as a reasonable accommodation, an employer may be required to provide it, unless it would impose an undue hardship.

> **For example**: If an employer has a policy providing 2 weeks paid leave for all employees, with no other provision for sick leave and a "no leave" policy for the first 6 months of employment, an employee with a disability who cannot get leave for needed medical treatment could not successfully

charge that the employer's policy is discriminatory on its face. However, this individual could request leave without pay or advance leave as a reasonable accommodation. Such leave should be provided, unless the employer can show undue hardship: For example, an employer might be able to show that it is necessary for the operation of the business that this employee be available for the time period when leave is requested.

- An employer is not required to give leave as a reasonable accommodation to an employee who has a relationship with an individual with a disability to enable the employee to care for that individual. (See p. 8 above.)

7.11 Contractual or Other Relationships

An employer may not do anything through a contractual relationship that it cannot do directly. This applies to any contracts, including contracts with:

- training organizations (see above);
- insurers (see above);
- employment agencies and agencies used for background checks (see Chapter V);
- labor unions (see below).

7.11(a) Collective Bargaining Agreements

Labor unions are covered by the ADA and have the same obligation as the employer to comply with its requirements. An employer also is prohibited by the ADA from taking any action through a labor union contract that it may not take itself.

> **For example**: If a union contract contained physical requirements for a particular job that screened out people with disabilities who were qualified to perform the job, and these requirements are not job-related and consistent with business necessity, they could be challenged as discriminatory by a qualified individual with a disability.

The terms of a collective bargaining agreement may be relevant in determining whether a particular accommodation would cause an employer undue hardship.

> **For example**: If the collective bargaining agreement reserves certain jobs for employees with a given amount of seniority, this may be considered as a factor in determining whether it would be an undue hardship to reassign an individual with a disability who does not have seniority to a vacant job.

Where a collective bargaining agreement identifies functions that must be performed in a particular job, the agreement, like a job description, may be considered as evidence of what the employer and union consider to be a job's essential functions. However, just because a function is listed in a union agreement does not mean that it is an essential function. The agreement, like the job description, will be considered along with other types of evidence. (See Chapter II.)

The Congressional Committee Reports accompanying the ADA advised employers and unions that they could carry out their responsibilities under the Act, and avoid conflicts between the bargaining agreement and the employer's duty to provide reasonable accommodation, by adding a provision to agreements negotiated after the effective date of the ADA, permitting the employer to take all actions necessary to comply with the Act.

7.12 Nondiscrimination in Other Benefits and Privileges of Employment

Nondiscrimination requirements, including the obligation to make reasonable accommodation, apply to all social or recreational activities provided or conducted by an employer, to any transportation provided by an employer for its employees or applicants, and to all other benefits and privileges of employment.

This means that:

- Employees with disabilities must have an equal opportunity to attend and participate in any social functions conducted or sponsored by an employer. Functions such as parties, picnics, shows, and award ceremonies should be held in accessible locations, and interpreters or other accommodation should be provided when necessary.

- Employees with disabilities must have equal access to break rooms, lounges, cafeterias, and any other non-work facilities that are provided by an employer for use by its employees.

- Employees with disabilities must have equal access to an exercise room, gymnasium, or health club provided by an employer for use by its employees. However, an employer would not have to eliminate facilities provided for employees because a disabled employee cannot use certain equipment or amenities because of his/her disability. **For example**, an employer would not have to remove certain exercise machines simply because an employee who is a paraplegic could not use them.

- Employees with disabilities must be given an equal opportunity to participate in employer-sponsored sports teams, leagues, or recreational activities such as hiking or biking clubs. However, the employer does not have to discontinue such activities because a disabled employee cannot fully participate due to his/her disability. **For example**, an employer would not have to discontinue the company biking club simply because a blind employee is unable to ride a bicycle.

    - Any transportation provided by an employer for use by its employees must be accessible to employees with a disability. This includes transportation between employer facilities, transportation to or from mass transit and transportation provided on a occasional basis to employer-sponsored events.

VIII. DRUG AND ALCOHOL ABUSE

8.1 Introduction

The ADA specifically permits employers to ensure that the workplace is free from the illegal use of drugs and the use of alcohol, and to comply with other Federal laws and regulations regarding alcohol and drug use. At the same time, the ADA provides limited protection from discrimination for recovering drug addicts and for alcoholics.

8.2 Overview of Legal Obligations

- An individual who is currently engaging in the illegal use of drugs is not an "individual with a disability" when the employer acts on the basis of such use.
- An employer may prohibit the illegal use of drugs and the use of alcohol at the workplace.
- It is not a violation of the ADA for an employer to give tests for the illegal use of drugs.
- An employer may discharge or deny employment to persons who currently engage in the illegal use of drugs.
- An employer may not discriminate against a drug addict who is not currently using drugs and who has been rehabilitated, because of a history of drug addiction.
- A person who is an alcoholic is an "individual with a disability" under the ADA.
- An employer may discipline, discharge or deny employment to an alcoholic whose use of alcohol impairs job performance or conduct to the extent that s/he is not a "qualified individual with a disability."
- Employees who use drugs or alcohol may be required to meet the same standards of performance and conduct that are set for other employees.
- Employees may be required to follow the Drug-Free Workplace Act of 1988 and rules set by Federal agencies pertaining to drug and alcohol use in the workplace.

8.3 Illegal Use of Drugs

An employer may discharge or deny employment to current illegal users of drugs, on the basis of such drug use, without fear of being held liable for disability discrimination. Current illegal users of drugs are not "individuals with disabilities" under the ADA.

The illegal use of drugs includes the use, possession, or distribution of drugs which are unlawful under the Controlled Substances Act. It includes the use of illegal drugs and the illegal use of prescription drugs that are "controlled substances".

> **For example**: Amphetamines can be legally prescribed drugs. However, amphetamines, by law, are "controlled substances" because of their abuse and potential for abuse. If a person takes amphetamines without a prescription, that person is using drugs illegally, even though they could be prescribed by a physician.

The illegal use of drugs does not include drugs taken under supervision of a licensed health care professional, including experimental drugs for people with AIDS, epilepsy, or mental illness.

> **For example**: A person who takes morphine for the control of pain caused by cancer is not using a drug illegally if it is taken under the supervision of a licensed physician. Similarly, a participant in a methadone maintenance treatment program cannot be discriminated against by an employer based upon the individual's lawful use of methadone.

An individual who illegally uses drugs but also has a disability, such as epilepsy, is only protected by the ADA from discrimination on the basis of the disability (epilepsy). An employer can discharge or deny employment to such an individual on the basis of his/her illegal use of drugs.

What does "current" drug use mean?

If an individual tests positive on a test for the illegal use of drugs, the individual will be considered a current drug user under the ADA where the test correctly indicates that the individual is engaging in the illegal use of a controlled substance.

"Current" drug use means that the illegal use of drugs occurred recently enough to justify an employer's reasonable belief that involvement with drugs is an on-going problem. It is not limited to the day of use, or recent weeks or days, in terms of an employment action. It is determined on a case-by-case basis.

> **For example**: An applicant or employee who tests positive for an illegal drug cannot immediately enter a drug rehabilitation program and seek to avoid the possibility of discipline or termination by claiming that s/he now is in rehabilitation and is no longer using drugs illegally. A person who tests positive for illegal use of drugs is not entitled to the protection that may be available to former users who have been or are in rehabilitation (see below).

8.4 Alcoholism

While a current illegal user of drugs has no protection under the ADA if the employer acts on the basis of such use, a person who currently uses alcohol is not automatically denied protection simply because of the alcohol use. An alcoholic is a person with a disability under the ADA and may be entitled to consideration of accommodation, if s/he is qualified to perform the essential functions of a job. However, an employer may discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct to the extent that s/he is not "qualified."

> **For example**: If an individual who has alcoholism often is late to work or is unable to perform the responsibilities of his/her job, an employer can take disciplinary action on the basis of the poor job performance and conduct. However, an employer may not discipline an alcoholic employee more severely than it does other employees for the same performance or conduct.

8.5 Recovering Drug Addicts

Persons addicted to drugs, but who are no longer using drugs illegally and are receiving treatment for drug addiction or who have been rehabilitated successfully, are protected by the ADA from discrimination on the basis of **past** drug addiction.

> **For example**: An addict who is currently in a drug rehabilitation program and has not used drugs illegally for some time is not excluded from the protection of the ADA. This person will be protected by the ADA because s/he has a history of addiction, or if s/he is "regarded as" being addicted. Similarly, an addict who is rehabilitated or who has successfully completed a supervised rehabilitation program and is no longer illegally using drugs is not excluded from the ADA.

> However, a person who casually used drugs illegally in the past, but did not become addicted is not an individual with a disability based on the past drug use. In order for a person to be "substantially limited" because of drug use, s/he must be addicted to the drug.

To ensure that drug use is not recurring, an employer may request evidence that an individual is participating in a drug rehabilitation program or may request the results of a drug test (see below).

A "rehabilitation program" may include in-patient, out-patient, or employee assistance programs, or recognized self-help programs such as Narcotics Anonymous.

8.6 Persons "Regarded As" Addicts and Illegal Drug Users

Individuals who are not illegally using drugs, but who are erroneously perceived as being addicts and as currently using drugs illegally, are protected by the ADA.

> For example: If an employer perceived someone to be addicted to illegal drugs based upon rumor and the groggy appearance of the individual, but the rumor was false and the appearance was a side-effect of a lawfully prescribed medication, this individual would be "regarded as" an individual with a disability (a drug addict) and would be protected from discrimination based upon that false assumption. If an employer did not regard the individual as an addict, but simply as a social user of illegal drugs, the individual would not be "regarded as" an individual with a disability and would not be protected by the ADA.

As with other disabilities, an individual who claims that s/he was discriminated against because of past or perceived illegal drug addiction, may be asked to prove that s/he has a record of, or is regarded as having, an addiction to drugs.

8.7 Efforts to Prohibit Drug and Alcohol Use in the Workplace

The ADA does not prevent efforts to combat the use of drugs and alcohol in the workplace

The ADA does not interfere with employers' programs to combat the use of drugs and alcohol in the workplace. The Act specifically provides that an employer may:

- prohibit the use of drugs and alcohol in the workplace.

- require that employees not be under the influence of alcohol or drugs in the workplace.

  For example: An employer can require that employees not come to work or return from lunch under the influence of alcohol, or drugs used illegally.

- Require that employees who illegally use drugs or alcohol meet the same qualification and performance standards applied to other employees. Unsatisfactory behavior such as absenteeism, tardiness, poor job performance, or accidents caused by alcohol or illegal drug use need not be accepted nor accommodated.

  For example: If an employee is often late or does not show up for work because of alcoholism, an employer can take direct action based on the conduct. However, an employer would violate the ADA if it imposed greater sanctions on such an alcoholic employee than it did on other employees for the same misconduct.

While the ADA permits an employer to discipline or discharge an employee for illegal use of drugs or where alcoholism results in poor performance or misconduct, the Act does not require this. Many employers have established employee assistance programs for employees who abuse drugs or alcohol that are helpful to both employee and employer. However, the ADA does not **require** an employer to provide an opportunity for rehabilitation in place of discipline or discharge to such employees. The ADA may, however, require consideration of reasonable accommodation for a drug addict who is rehabilitated and not using drugs or an alcoholic who remains a "qualified individual with a disability." For example, a modified work schedule, to permit the individual to attend an ongoing self-help program, might be a reasonable accommodation for such an employee.

An employer can fire or refuse to hire a person with a past history of illegal drug use, even if the person no longer uses drugs, in specific occupations, such as law enforcement, when an employer can show that this policy is job-related and consistent with business necessity.

> **For example**: A law enforcement agency might be able to show that excluding an individual with a history of illegal drug use from a police officer position was necessary, because such illegal conduct would undermine the credibility of the officer as a witness for the prosecution in a criminal case.

> However, even in this case, exclusion of a person with a history of illegal drug use might not be justified automatically as a business necessity, if an applicant with such a history could demonstrate an extensive period of successful performance as a police officer since the time of drug use.

An employer also may fire or refuse to hire an individual with a history of alcoholism or illegal drug use if it can demonstrate that the individual poses a "direct threat" to health or safety because of the high probability that s/he would return to the illegal drug use or alcohol abuse. The employer must be able to demonstrate that such use would result in a high probability of substantial harm to the individual or others which could not be reduced or eliminated with a reasonable accommodation. Examples of accommodations in such cases might be to require periodic drug or alcohol tests, to modify job duties or to provide increased supervision.

An employer cannot prove a "high probability" of substantial harm simply by referring to statistics indicating the likelihood that addicts or alcoholics in general have a specific probability of suffering a relapse. A showing of "significant risk of substantial harm" must be based upon an assessment of the particular individual and his/her history of substance abuse and the specific nature of the job to be performed.

> **For example**: An employer could justify excluding an individual who is an alcoholic with a history of returning to alcohol abuse from a job as a ship captain.

8.8 Pre-Employment Inquiries About Drug and Alcohol Use

An employer may make certain pre-employment, pre-offer inquiries regarding use of alcohol or the illegal use of drugs. An employer may ask whether an applicant drinks alcohol or whether he or she is currently using drugs illegally. However, an employer may not ask whether an applicant is a drug addict or alcoholic, nor inquire whether s/he has ever been in a drug or alcohol rehabilitation program. (See also Pre-Employment Inquiries, Chapter V.)

After a conditional offer of employment, an employer may ask any questions concerning past or present drug or alcohol use. However, the employer may not use such information to exclude an individual with a disability, on the basis of a disability, unless it can show that the reason for exclusion is job-related and consistent with business necessity, and that legitimate job criteria cannot be met with a reasonable accommodation. (For more information on pre-employment medical inquiries, see Chapter VI.)

8.9 Drug Testing

An employer may conduct tests to detect illegal use of drugs. The ADA does not prohibit, require, or encourage drug tests. Drug tests are not considered medical examinations, and an applicant can be required to take a drug test before a conditional offer of employment has been made. An employee also can be required to take a drug test, whether or not such a test is job-related and necessary for the business. (On the other hand, a test to determine an individual's blood alcohol level would be a "medical examination" and only could be required by an employer in conformity with the ADA.)

An employer may refuse to hire an applicant or discharge or discipline an employee based upon a test result that indicates the illegal use of drugs. The employer may take these actions even if an applicant or employee claims that s/he recently stopped illegally using drugs.

Employers may comply with applicable Federal, State, or local laws regulating when and how drug tests may be used, what drug tests may be used, and confidentiality. Drug tests must be conducted to detect **illegal use of** drugs. However, tests for illegal use of drugs also may reveal the presence of lawfully-used drugs. If a person is excluded from a job because the employer erroneously "regarded" him/her to be an addict currently using drugs illegally when a drug test revealed the presence of a lawfully prescribed drug, the employer would be liable under the ADA. To avoid such potential liability, the employer would have to determine whether the individual was using a legally prescribed drug. Because the employer may not ask what prescription drugs an individual is taking before making a conditional job offer, one way to avoid liability is to conduct drug tests after making an offer, even though such tests may be given at anytime under the ADA. Since applicants who test positive for illegal drugs are not covered by the ADA, an employer can withdraw an offer of employment on the basis of illegal drug use.

If the results of a drug test indicate the presence of a lawfully prescribed drug, such information must be kept confidential, in the same way as any medical record. If the results reveal information about a disability in addition to information about drug use, the disability-related information is to be treated as a confidential medical record. (See confidentiality requirements regarding medical inquiries and examinations in Chapter VI.)

For example: If drug test results indicate that an individual is HIV positive, or that a person has epilepsy or diabetes because use of a related prescribed medicine is revealed, this information must remain confidential.

8.10 Laws and Regulations Concerning Drugs and Alcohol

An employer may comply with other Federal laws and regulations concerning the use of drugs and alcohol, including the Drug-Free Workplace Act of 1988; regulations applicable to particular types of employment, such as law enforcement positions; regulations of the Department of Transportation for airline employees, interstate motor carrier drivers and railroad engineers; and regulations for safety sensitive positions established by the Department of Defense and the Nuclear Regulatory Commission. Employers may continue to require that their applicants and employees comply with such Federal laws and regulations.

For example: A trucking company can take appropriate action if an applicant or employee tests positive on a drug test required by Department of Transportation regulations or refuses to take such a drug test.

IX. WORKERS' COMPENSATION AND WORK-RELATED INJURY

9.1 Overview of Legal Obligations

- An employer may not inquire into an applicant's workers' compensation history before making a conditional offer of employment.

- After making a conditional job offer, an employer may ask about a person's workers' compensation history in a medical inquiry or examination that is required of all applicants in the same job category.

- An employer may not base an employment decision on the speculation that an applicant may cause increased workers' compensation costs in the future. However, an employer may refuse to hire, or may discharge an individual who is not currently able to perform a job without posing a significant risk of substantial harm to the health or safety of the individual or others, if the risk cannot be eliminated or reduced by reasonable accommodation. (See Standards Necessary for Health and Safety: A "Direct Threat", Chapter IV.)

- An employer may submit medical information and records concerning employees and applicants (obtained after a conditional job offer) to state workers' compensation offices and "second injury" funds without violating ADA confidentiality requirements.

- Only injured workers who meet the ADA's definition of an "individual with a disability" will be considered disabled under the ADA, regardless of whether they satisfy criteria for receiving benefits under workers' compensation or other disability laws. A worker also must be "qualified" (with or without reasonable accommodation) to be protected by the ADA.

9.2 Is a Worker Injured on the Job Protected by the ADA?

Whether an injured worker is protected by the ADA will depend on whether or not the person meets the ADA definitions of an "individual with a disability" and "qualified individual with a disability." (See Chapter II.) The person must have an impairment that "substantially limits a major life activity," have a "record of" or be "regarded as" having such an impairment. S/he also must be able to perform the essential functions of a job currently held or desired, with or without an accommodation.

Clearly, not every employee injured on the job will meet the ADA definition. Work-related injuries do not always cause physical or mental impairments severe enough to "substantially limit" a major life activity. Also, many on-the-job injuries cause non-chronic impairments which heal within a short period of time with little or no long-term or permanent impact. Such injuries, in most circumstances, are not considered disabilities under the ADA.

The fact that an employee is awarded workers' compensation benefits, or is assigned a high workers' compensation disability rating, does not automatically establish that this person is protected by the ADA. In most cases, the definition of disability under state workers' compensation laws differs from that under the ADA, because the state laws serve a different purpose. Workers' compensation laws are designed to provide needed assistance to workers who suffer many kinds of injuries, whereas the ADA's purpose is to protect people from discrimination on the basis of disability.

Thus, many injured workers who qualify for benefits under workers' compensation or other disability benefits laws may not be protected by the ADA. An employer must consider work-related injuries on a case-by-case basis to know if a worker is protected by the ADA. Many job injuries are not "disabling" under the ADA, but it also is possible that an impairment which is not "substantially limiting" in one circumstance could result in, or lead to, disability in other circumstances.

> **For example**: Suppose a construction worker falls from a ladder and breaks a leg and the leg heals normally within a few months. Although this worker may be awarded workers' compensation benefits for the injury, he would not be considered a person with a disability under the ADA. The impairment suffered from the injury did not "substantially limit" a major life activity, since the injury healed within a short period and had little or no long-term impact. However, if the worker's leg took significantly longer to heal than the usual healing period for this type of injury, and during this period the worker could not walk, s/he would be considered to have a disability. Or, if the injury caused a permanent limp, the worker might be considered disabled under the ADA if the limp substantially limited his walking, as compared to the average person in the general population.

An employee who was seriously injured while working for a former employer, and was unable to work for a year because of the injury, would have a **"record of"** a substantially limiting impairment. If an employer refused to hire or promote this person on the basis of that record, even if s/he had recovered in whole or in part from the injury, this would be a violation of the ADA.

If an impairment or condition caused by an on-the-job injury does not substantially limit an employee's ability to work, but the employer regards the individual as having an impairment that makes him/her unable to perform a class of jobs, such as "heavy labor," this individual would be **"regarded"** by the employer as having a disability. An employer who refused to hire or discharged an individual because of this perception would violate the ADA.

Of course, in each of the examples above, the employer would only be liable for discrimination if the individual was qualified for the position held or desired, with or without an accommodation.

9.3 What Can an Employer Do to Avoid Increased Workers' Compensation Costs and Comply With the ADA?

The ADA allows an employer to take reasonable steps to avoid increased workers' compensation liability while protecting persons with disabilities against exclusion from jobs they can safely perform.

Steps the Employer May Take

After making a conditional job offer, an employer may inquire about a person's workers' compensation history in a medical inquiry or examination that is required of all applicants in the same job category. However, an employer may not require an applicant to have a medical examination because a response to a medical inquiry (as opposed to results from a medical examination) discloses a previous on-the-job injury, unless all applicants in the same job category are required to have the examination. (See Chapter V.)

The employer may use information from medical inquiries and examinations for various purposes, such as:

- to verify employment history;
- to screen out applicants with a history of fraudulent workers' compensation claims;

- to provide information to state officials as required by state laws regulating workers' compensation and "second injury" funds;
- to screen out individuals who would pose a "direct threat" to health or safety of themselves or others, which could not be reduced to an acceptable level or eliminated by a reasonable accommodation. (See Chapter IV.)

9.4 What Can an Employer Do When a Worker is Injured on the Job?

Medical Examinations

An employer may only make medical examinations or inquiries of an employee regarding disability if such examinations are job-related and consistent with business necessity. If a worker has an on-the-job injury which appears to affect his/her ability to do essential job functions, a medical examination or inquiry is job-related and consistent with business necessity. A medical examination or inquiry also may be necessary to provide reasonable accommodation. (See Chapter VI.)

When a worker wishes to return to work after absence due to accident or illness, s/he can only be required to have a "job-related" medical examination, not a full physical exam, as a condition of returning to work.

The ADA prohibits an employer from discriminating against a person with a disability who is "qualified" for a desired job. The employer cannot refuse to let an individual with a disability return to work because the worker is not fully recovered from injury, unless s/he: (1) cannot perform the essential functions of the job s/he holds or desires with or without an accommodation; or (2) would pose a significant risk of substantial harm that could not be reduced to an acceptable level with reasonable accommodation. (See Chapter IV.) Since reasonable accommodation may include reassignment to a vacant position, an employer may be required to consider an employee's qualifications to perform other vacant jobs for which s/he is qualified, as well as the job held when injured.

"Light Duty" Jobs

Many employers have established "light duty" positions to respond to medical restrictions on workers recovering from job-related injuries, in order to reduce workers' compensation liability. Such positions usually place few physical demands on an employee and may include tasks such as answering the telephone and simple administrative work. An employee's placement in such a position is often limited by the employer to a specific period of time.

The ADA does not require an employer to create a "light duty" position unless the "heavy duty" tasks an injured worker can no longer perform are **marginal** job functions which may be reallocated to co-workers as part of the reasonable accommodation of job-restructuring. In most cases however, "light duty" positions involve a totally different job from the job that a worker performed before the injury. Creating such positions by job restructuring is not required by the ADA. However, if an employer already has a vacant light duty position for which an injured worker is qualified, it might be a reasonable accommodation to reassign the worker to that position. If the position was created as a temporary job, a reassignment to that position need only be for a temporary period.

When an employer places an injured worker in a temporary "light duty" position, that worker is "otherwise qualified" for that position for the term of that position; a worker's qualifications must be gauged in relation to the position occupied, not in relation to the job held prior to the injury. It may be necessary to provide additional reasonable accommodation to enable an injured worker in a light duty position to perform the essential functions of that position.

> **For example**: Suppose a telephone line repair worker broke both legs and fractured her knee joints in a fall. The treating physician states that the worker will not be able to walk, even with crutches, for at least nine months. She therefore has a "disability." Currently using a wheelchair, and unable to do her previous job, she is placed in a "light duty" position to process paperwork associated with line repairs. However, the office to which she is assigned is not wheelchair accessible. It would be a reasonable accommodation to place the employee in an office that is accessible. Or, the office could be made accessible by widening the office door, if this would not be an undue hardship. The employer also might have to modify the employee's work schedule so that she could attend weekly physical therapy sessions.

Medical information may be very useful to an employer who must decide whether an injured worker can come back to work, in what job, and, if necessary, with what accommodations. A physician may provide an employer with relevant information about an employee's functional abilities, limitations, and work restrictions. This information will be useful in determining how to return the employee to productive work, but the employer bears the ultimate responsibility for deciding whether the individual is qualified, with or without a reasonable accommodation. Therefore, an employer cannot avoid liability if it relies on a physician's advice which is not consistent with ADA requirements.

9.5 Do the ADA's Pre-Employment Inquiry and Confidentiality Restrictions Prevent an Employer from Filing Second Injury Fund Claims?

Most states have established "second injury" funds designed to remove financial disincentives in hiring employees with a disability. Without a second injury fund, if a worker suffered increased disability from a work-related injury because of a pre-existing condition, the employer would have to pay the full cost. The second injury fund provisions limit the amount the employer must pay in these circumstances, and provide for the balance to be paid out of a common fund.

Many second injury funds require an employer to certify that it knew at the time of hire that the employee had a pre-existing injury. The ADA does not prohibit employers from obtaining information about pre-existing injuries and providing needed information to second injury funds. As discussed in Chapter VI., an employer may make such medical inquiries and require a medical examination after a conditional offer of employment, and before a person starts work, so long as the examination or inquiry is made of all applicants in the same job category. Although the ADA generally requires that medical information obtained from such examinations or inquiries be kept confidential, information may be submitted to second injury funds or state workers' compensation authorities as required by state workers' compensation laws.

9.6 Compliance with State and Federal Workers' Compensation Laws

a. Federal Laws

It may be a defense to a charge of discrimination under the ADA that a challenged action is required by another Federal law or regulation, or that another Federal law prohibits an action that otherwise would be required by the ADA. This defense is not valid, however, if the Federal standard does not require the discriminatory action, or if there is a way that an employer can comply with both legal requirements.

b. State Laws

ADA requirements supersede any **conflicting** state workers' compensation laws.

For example: Some state workers' compensation statutes make an employer liable for paying additional benefits if an injury occurs because the employer assigned a person to a position likely to jeopardize the person's health or safety, or exacerbate an earlier workers' compensation injury. Some of these laws may permit or require an employer to exclude a disabled individual from employment in cases where the ADA would not permit such exclusion. In these cases, the ADA takes precedence over the state law. An employer could not assert, as a valid defense to a charge of discrimination, that it failed to hire or return to work an individual with a disability because doing so would violate a state workers' compensation law that required exclusion of this individual.

9.7 Does Filing a Workers' Compensation Claim Prevent an Injured Worker from Filing a Charge Under the ADA?

Filing a workers' compensation claim does not prevent an injured worker from filing a charge under the ADA. "Exclusivity" clauses in state workers' compensation laws bar all other civil remedies related to an injury that has been compensated by a workers' compensation system. However, these clauses do not prohibit a qualified individual with a disability from filing a discrimination charge with EEOC, or filing a suit under the ADA, if issued a "right to sue" letter by EEOC. (See Chapter X.)

9.8 What if an Employee Provides False Information About his/her Health or Physical Condition?

An employer may refuse to hire or may fire a person who knowingly provides a false answer to a lawful post-offer inquiry about his/her condition or workers' compensation history.

Some state workers' compensation laws release an employer from its obligation to pay benefits if a worker falsely represents his/her health or physical condition at the time of hire and is later injured as a result. The ADA does not prevent use of this defense to a workers' compensation claim. The ADA requires only that information requests about health or workers compensation history are made as part of a post-offer medical examination or inquiry. (See Chapter VI.)

X. ENFORCEMENT PROVISIONS

10.1 Introduction

Title I of the ADA is enforced by the Equal Employment Opportunity Commission (EEOC) under the same procedures used to enforce Title VII of the Civil Rights Acts of 1964. The Commission receives and investigates charges of discrimination and seeks through conciliation to resolve any discrimination found and obtain full relief for the affected individual. If conciliation is not successful, the EEOC may file a suit or issue a "right to sue" letter to the person who filed the charge. Throughout the enforcement process, EEOC makes every effort to resolve issues through conciliation and to avoid litigation.

The Commission also recognizes that differences and disputes about the ADA requirements may arise between employers and people with disabilities as a result of misunderstandings. Such disputes frequently can be resolved more effectively through informal negotiation or mediation procedures, rather than through the formal enforcement process of the ADA. Accordingly, EEOC will encourage efforts to settle such differences through alternative dispute resolution, provided that such efforts do not deprive any individual of legal rights granted by the statute. (See "Alternative Dispute Resolution" in Resource Directory Index.)

10.2 Overview of Enforcement Provisions

- A job applicant or employee who believes s/he has been discriminated against on the basis of disability in employment by a private, state, or local government employer, labor union, employment agency, or joint labor management committee can file a charge with EEOC.

- An individual, whether disabled or not, also may file a charge if s/he believes that s/he has been discriminated against because of an association with a person with a known disability, or believes that s/he has suffered retaliation because of filing a charge or assisting in opposing a discriminatory practice. (See Retaliation below.) Another person or organization also may file a charge on behalf of such applicant or employee.

- The entity charged with violating the ADA should receive written notification of the charge within 10 days after it is filed.

- EEOC will investigate charges of discrimination. If EEOC believes that discrimination occurred, it will attempt to resolve the charge through conciliation and obtain full relief for the aggrieved individual consistent with EEOC's standards for remedies.

- If conciliation fails, EEOC will file suit or issue a "right to sue" letter to the person who filed the charge. (If the charge involves a state or local government agency, EEOC will refer the case to the Department of Justice for consideration of litigation or issuance of a "right to sue" letter.)

- Remedies for violations of Title I of the ADA include hiring, reinstatement, promotion, back pay, front pay, restored benefits, reasonable accommodation, attorneys' fees, expert witness fees, and court costs. Compensatory and punitive damages also may be available in cases of intentional discrimination or where an employer fails to make a good faith effort to provide a reasonable accommodation.

- Employers may not retaliate against any applicant or employee who files a charge, participates in an EEOC investigation or opposes an unlawful employment practice.

10.3 Questions and Answers on the ADA Enforcement Process

When do the ADA's employment enforcement provisions become effective?

Charges of discrimination can be filed against employers with 25 or more employees and other covered entities beginning July 26, 1992. The alleged discriminatory act(s) must have occurred on or after July 26, 1992.

Charges can be filed against employers with 15 or more employees beginning July 26, 1994. The alleged discriminatory act(s) must have occurred on or after July 26, 1994, if the charge is against an employer with 15 to 24 employees.

Who can file charges of discrimination?

An applicant or employee who feels that s/he has been discriminated against in employment on the basis of disability can file a charge with EEOC. An individual, group or organization also can file a charge on behalf of another person. An individual, group or organization that files a charge is called the "charging party."

How are charges of discrimination filed?

A person who feels s/he has been discriminated against, or other potential "charging party" should contact the nearest EEOC office. (See Resource Directory listing.) If there is no EEOC office nearby, call, toll free 1-800-669-4000 (voice) or 1-800-800-3302 (TDD).

What are the time limits for filing charges of discrimination?

A charge of discrimination on the basis of disability must be filed with EEOC within **180 days** of the alleged discriminatory act.

If there is a state or local fair employment practices agency that enforces a law prohibiting the same alleged discriminatory practice, it is possible that charges may be filed with EEOC up to **300 days** after the alleged discriminatory act. However, to protect legal rights, it is recommended that EEOC be contacted promptly when discrimination is believed to have occurred.

How is a charge of discrimination filed?

A charge can be filed in person, by telephone, or by mail. If an individual does not live near an EEOC office, the charge can be filed by telephone and verified by mail. The type of information that will be requested from a charging party may include:

- the charging party's name, address, and telephone number (if a charge is filed on behalf of another individual, his/her identity may be kept confidential, unless required for a court action);

- the employer's name, address, telephone number, and number of employees;

- the basis or bases of the discrimination claimed by the individual (e.g., disability, race, color, religion, sex, national origin, age, retaliation);

- the issue or issues involved in the alleged discriminatory act(s) (e.g., hiring, promotion, wages, terms and conditions of employment, discharge);

- identification of the charging party's alleged disability (e.g., the physical or mental impairment and how it affects major life activities, the record of disability the employer relied upon, or how the employer regarded the individual as disabled);

- the date of the alleged discriminatory act(s);

- details of what allegedly happened; and

- identity of witnesses who have knowledge of the alleged discriminatory act(s).

Charging parties also may submit additional oral or written evidence on their behalf.

EEOC has work-sharing agreements with many state and local fair employment agencies. Depending on the agreement, some charges may be sent to a state or local agency for investigation; others may be investigated directly by EEOC. (See also Coordination Procedures to Avoid Duplicate Complaint Processing under the ADA and the Rehabilitation Act, below.)

Can a charging party file a charge on more than one basis?

EEOC also enforces other laws that bar employment discrimination based on race, color, religion, sex, national origin, and age (persons 40 years of age and older). An individual with a disability can file a charge of discrimination on more than one basis.

> **For example**: A cashier who is a paraplegic may claim that she was discriminated against by an employer based on both her sex and her disability. She can file a single charge claiming both disability and sex discrimination.

Can an individual file a lawsuit against an employer?

An individual can file a lawsuit against an employer, but s/he must first file the charge with EEOC. The charging party can request a "right to sue" letter from the EEOC 180 days after the charge was first filed with the Commission. A charging party will then have 90 days to file suit after receiving the notice of right to sue. If the charging party files suit, EEOC will ordinarily dismiss the original charges filed with the Commission. "Right to sue" letters also are issued when EEOC does not believe discrimination occurred or when conciliation attempts fail and EEOC decides not to sue on the charging party's behalf (see below).

Are charging parties protected from retaliation?

It is unlawful for an employer or other covered entity to retaliate against someone who files a charge of discrimination, participates in an investigation, or opposes discriminatory practices. Individuals who believe that they have been retaliated against should contact EEOC immediately. Even if an individual has already filed a charge of discrimination, s/he can file a new charge based on retaliation.

How does EEOC process charges of discrimination?

- A charge of employment discrimination may be filed with EEOC against a private employer, state or local government, employment agency, labor union or joint labor management committee. When a charge has been filed, EEOC calls these covered entities "respondents."

- Within 10 days after receipt of a charge, EEOC sends written notification of receipt to the respondent and the charging party.

- EEOC begins its investigation by reviewing information received from the charging party and requesting information from the respondent. Information requested from the respondent initially, and in the course of the investigation, may include:

    - specific information on the issues raised in the charge;

    - the identity of witnesses who can provide evidence about issues in the charge;

  - information about the business operation, employment process, and workplace; and

  - personnel and payroll records.

  (Note: All or part of the data-gathering portion of an investigation may be conducted on-site, depending on the circumstances.)

- A respondent also may submit additional oral or written evidence on its own behalf.

- EEOC also will interview witnesses who have knowledge of the alleged discriminatory act(s).

- EEOC may dismiss a charge during the course of the investigation for various reasons. For example, it may find that the respondent is not covered by the ADA, or that the charge is not timely filed.

- EEOC may request additional information from the respondent and the charging party. They may be asked to participate in a fact-finding conference to review the allegations, obtain additional evidence, and, if appropriate, seek to resolve the charge through a negotiated settlement.

- The charging party and respondent will be informed of the preliminary findings of the investigation -- that is, whether there is cause to believe that discrimination has occurred and the type of relief that may be necessary. Both parties will be provided opportunity to submit further information.

- After reviewing all information, the Commission sends an official "Letter of Determination" to the charging party and the respondent, stating whether it has or has not found "reasonable cause" to believe that discrimination occurred.

What if the EEOC concludes that no discrimination occurred?

If the investigation finds no cause to believe discrimination occurred, EEOC will take no further action. EEOC will issue a "right to sue" letter to the charging party, who may initiate a private suit.

What if the EEOC concludes that discrimination occurred?

If the investigation shows that there is reasonable cause to believe that discrimination occurred, EEOC will attempt to resolve the issue through conciliation and to obtain full relief consistent with EEOC's standards for remedies for the charging party. (See Relief Available to Charging Party, below.) EEOC also can request an employer to post a notice in the workplace stating that the discrimination has been corrected and that it has stopped the discriminatory practice.

What happens if conciliation fails?

At all stages of the enforcement process, EEOC will try to resolve a charge without a costly lawsuit.

If EEOC has found cause to believe that discrimination occurred, but cannot resolve the issue through conciliation, the case will be considered for litigation. If EEOC decides to litigate, a lawsuit will be filed in federal district court. If the Commission decides not to litigate, it will send the charging party a "right-to-sue" letter. The charging party may then initiate a private civil suit within 90 days, if desired. If conciliation fails on a charge against a state or local government, EEOC will refer the case to the Department of Justice for consideration of litigation or issuance of a "right to sue" letter.

10.4 Coordination Procedures to Avoid Duplicative Complaint Processing Under the ADA and the Rehabilitation Act.

The ADA requires EEOC and the federal agencies responsible for Section 503 and Section 504 of the Rehabilitation Act of 1973 to establish coordination procedures to avoid duplication and to assure consistent standards in processing complaints that fall within the overlapping jurisdiction of both laws. EEOC and the Office of Federal Contract Compliance in the Department of Labor (OFCCP) have issued a joint regulation establishing such procedures for complaints against employers covered by the ADA who are also federal contractors or subcontractors. (Published in the Federal Register of January 24, 1992.) EEOC and the Department of Justice also will issue a joint regulation establishing procedures for complaints against employers covered by the ADA who are recipients of federal financial assistance.

The joint EEOC-OFCCP rule provides that a complaint of discrimination on the basis of disability filed with OFCCP under Section 503 will be considered a charge filed simultaneously under the ADA if the complaint falls within the ADA's jurisdiction. This will ensure that an individual's ADA rights are preserved. OFCCP will process such complaints/charges for EEOC, with certain exceptions specified in the regulation, where OFCCP will refer the charge to EEOC. OFCCP also will refer to EEOC for litigation review any complaint/charge where a violation has been found, conciliation fails, and OFCCP decides not to pursue administrative enforcement.

EEOC will refer to OFCCP ADA charges that fall under Section 503 jurisdiction when the Commission finds cause to believe that discrimination has occurred but decides not to litigate, for any administrative action that OFCCP finds appropriate. Where a charge involves both allegations of discrimination and violation of OFCCP's affirmative action requirements, EEOC generally will refer the charge to OFCCP for processing and resolution.

(**Note:** Procedures established in an EEOC-Department of Justice joint rule on processing complaints that are within ADA and Section 504 jurisdiction will be summarized in a future supplement to this Manual, when a final regulation has been issued.)

10.5 Remedies

The "relief" or remedies available for employment discrimination, whether caused by intentional acts or by practices that have a discriminatory effect, may include hiring, reinstatement, promotion, back pay, front pay, reasonable accommodation, or other actions that will make an individual "whole" (in the condition s/he would have been but for the discrimination). Remedies also may include payment of attorneys' fees, expert witness fees and court costs.

Compensatory and punitive damages also may be available where intentional discrimination is found. Damages may be available to compensate for actual monetary losses, for future monetary losses, for mental anguish and inconvenience. Punitive damages also may be available if an employer acted with malice or reckless indifference. The total amount of punitive damages and compensatory damages for future monetary loss and emotional injury for each individual is limited, based upon the size of the employer, using the following schedule:

Number of employees	Damages will not exceed
15-100	$ 50,000
101-200	100,000
201-500	200,000
500 and more	300,000

Punitive damages are not available against state or local governments.

In cases concerning reasonable accommodation, compensatory or punitive damages may not be awarded to the charging party if an employer can demonstrate that "good faith" efforts were made to provide reasonable accommodation.

What are EEOC's obligations to make the charge process accessible to and usable by individuals with disabilities?

EEOC is required by Section 504 of the Rehabilitation Act of 1973, as amended, to make all of its programs and activities accessible to and usable by individuals with disabilities. EEOC has an obligation to provide services or devices necessary to enable an individual with a disability to participate in the charge filing process. For example, upon request, EEOC will provide an interpreter when necessary for a charging party who is hearing impaired. People with visual or manual disabilities can request on-site assistance in filling out a "charge of discrimination" form and affidavits. EEOC will provide access to the charge process as needed by each individual with a disability, on a case-by-case basis.

APPENDIX A

Title I and Title V
of
The Americans with Disabilities Act
of 1990

(Public Law 101-336)

THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED

SECTION 1. SHORT TITLE; TABLE OF CONTENTS. *42 USC 12101 note.*

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SEC. 2. FINDINGS AND PURPOSES. *42USC 12101.*

(a) Findings.-- The Congress finds that --

(1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;

(2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;

(3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;

(5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(7) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(8) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(9) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) Purpose. -- It is the purpose of this Act --

(1) to provide a clear and comprehensive national mandate for the elimination of discrimina-

tion against individuals with disabilities;

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

(3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

SEC. 3. DEFINITIONS. *42 USC 12102*

As used in this Act:

(1) Auxiliary aids and services. -- The term "auxiliary aids and services" includes --

(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) acquisition or modification of equipment or devices; and

(D) other similar services and actions.

(2) Disability. -- The term "disability" means, with respect to an individual --

(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment.

(3) State. -- The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE I -- EMPLOYMENT

SEC. 101. DEFINITIONS. *42 USC 12111*

As used in this title:

(1) Commission. -- The term "Commission" means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4).

(2) Covered entity. -- The term "covered entity" means an employer, employment agency, labor organization, or joint labor-management committee.

(3) Direct threat. -- The term "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

(4) Employee. -- The term "employee" means an individual employed by an employer. With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.

(5) Employer. --

(A) In general. -- The term "employer" means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this title, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person.

(B) Exceptions. -- The term "employer" does not include --

(i) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or

(ii) a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

(6) Illegal use of drugs. --

(A) In general. The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

(B) Drugs. -- The term "drug" means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act.

(7) Person, etc. -- The terms "person", "labor organization", "employment agency", "commerce", and "industry affecting commerce", shall have the same meaning given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(8) Qualified individual with a disability. -- The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this title, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

(9) Reasonable accommodation. -- The term "reasonable accommodation" may include --

(A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(10) Undue hardship. --

(A) In general. -- The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) Factors to be considered. -- In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include --

(i) the nature and cost of the accommodation needed under this Act;

(ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(iv) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

SEC. 102. DISCRIMINATION. *42 USC 12112.*

(a) General Rule. -- No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

(b) Construction. -- As used in subsection (a), the term "discriminate" includes --

(1) limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;

(2) participating in a contractual or other arrangement or relationship that has the effect of subjecting a covered entity's qualified applicant or employee with a disability to the discrimination prohibited by this title (such relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity, or an organization providing training and apprenticeship programs);

(3) utilizing standards, criteria, or methods of administration --

(A) that have the effect of discrimination on the basis of disability;

or

(B) that perpetuate the discrimination of others who are subject to common administrative control;

(4) excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;

(5) (A) not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity; or

(B) denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant;

(6) using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity; and

(7) failing to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, such test results accurately reflect the skills, aptitude, or whatever other factor of such applicant or employee that such test purports to

measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

(c) Covered Entities in Foreign Countries.

(1) In general. -- It shall not be unlawful under this section for a covered entity to take any action that constitutes discrimination under this section with respect to an employee in a workplace in a foreign country if compliance with this section would cause such covered entity to violate the law of the foreign country in which such workplace is located.

(2) Control of Corporation. --

(A) Presumption. -- If an employer controls a corporation whose place of incorporation is a foreign country, any practice that constitutes discrimination under this section and is engaged in by such corporation shall be presumed to be engaged in by such employer.

(B) Exception. -- This section shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

(C) Determination. -- For purposes of this paragraph, the determination of whether an employer controls a corporation shall be based on --

(i) the interrelation of operations;
(ii) the common management;
(iii) the centralized control of labor relations; and
(iv) the common ownership or financial control of the employer and the corporation.

(d) Medical Examinations and Inquiries. --

(1) In general. -- The prohibition against discrimination as referred to in subsection (a) shall include medical examinations and inquiries.

(2) Preemployment. --

(A) Prohibited examination or inquiry. -- Except as provided in paragraph (3), a covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability.

(B) Acceptable inquiry. -- A covered entity may make preemployment inquiries into the ability of an applicant to perform job-related functions.

(3) Employment entrance examination. -- A covered entity may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if --

(A) all entering employees are subjected to such an examination regardless of disability;

(B) information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that --

(i) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) government officials investigating compliance with this Act shall be provided relevant information on request; and

(C) the results of such examination are used only in accordance with this title.

(4) Examination and inquiry. --

(A) Prohibited examinations and inquiries. -- A covered entity shall not require a medical examination and shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(B) Acceptable examinations and inquiries. -- A covered entity may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. A covered entity may make inquiries into the ability of an employee to perform job-related functions.

(C) Requirement. -- Information obtained under subparagraph (B) regarding the medical condition or history of any employee are subject to the requirements of subparagraphs (B) and (C) of paragraph (3).

SEC. 103. DEFENSES. *42 USC 12113.*

(a) In General. -- It may be a defense to a charge of discrimination under this Act that an alleged application of qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under this title.

(b) Qualification Standards. -- The term "qualification standards" may include a requirement that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace.

(c) Religious Entities. --

(1) In general. -- This title shall not prohibit a religious corporation, association, educational institution, or society from giving preference in employment to individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

(2) Religious tenets requirement. -- Under this title, a religious organization may require that all applicants and employees conform to the religious tenets of such organization.

(d) List of Infectious and Communicable Diseases. --

(1) In general. -- The Secretary of Health and Human Services, not later than 6 months after the date of enactment of this Act, shall --

(A) review all infectious and communicable diseases which may be transmitted through handling the food supply;

(B) publish a list of infectious and communicable diseases which are transmitted through handling the food supply;

(C) publish the methods by which such diseases are transmitted; and

(D) widely disseminate such information regarding the list of diseases and their modes of transmissability to the general public.

Such list shall be updated annually.

(2) Applications. -- In any case in which an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the Secretary of Health and Human Services under paragraph (1), and which cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign such individual to a job involving food handling.

(3) Construction. -- Nothing in this Act shall be construed to preempt, modify, or amend any

State, county, or local law, ordinance, or regulation applicable to food handling which is designed to protect the public health from individuals who pose a significant risk to the health or safety of others, which cannot be eliminated by reasonable accommodation, pursuant to the list of infectious or communicable diseases and the modes of transmissability published by the Secretary of Health and Human Services.

SEC. 104. ILLEGAL USE OF DRUGS AND ALCOHOL. *42 USC 12114.*

(a) Qualified Individual With a Disability. -- For purposes of this title, the term "qualified individual with a disability" shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(b) Rules of Construction. -- Nothing in subsection (a) shall be construed to exclude as a qualified individual with a disability an individual who --

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(2) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(3) is erroneously regarded as engaging in such use, but is not engaging in such use;

except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (1) or (2) is no longer engaging in the illegal use of drugs.

(c) Authority of Covered Entity. -- A covered entity --

(1) may prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;

(2) may require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;

(3) may require that employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.);

(4) may hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee; and

(5) may, with respect to Federal regulations regarding alcohol and the illegal use of drugs, require that --

(A) employees comply with the standards established in such regulations of the Department of Defense, if the employees of the covered entity are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are employed in such positions (as defined in the regulations of the Department of Defense);

(B) employees comply with the standards established in such regulations of the Nuclear Regulatory Commission, if the employees of the covered entity are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are employed in such positions (as defined in the regulations of the Nuclear Regulatory Commission); and

(C) employees comply with the standards established in such regulations of the Department of Transportation, if the employees of the covered entity are employed in a transportation industry subject to such regulations, including complying with such regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are employed in such positions (as defined in the regulations of the Department of Transportation).

(d) Drug Testing. --

(1) In general. -- For purposes of this title, a test to determine the illegal use of drugs shall not be considered a medical examination.

(2) Construction. -- Nothing in this title shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

(e) Transportation Employees. -- Nothing in this title shall be construed to encourage, prohibit, restrict, or authorize the otherwise lawful exercise by entities subject to the jurisdiction of the Department of Transportation of authority to --

(1) test employees of such entities in, and applicants for, positions involving safety-sensitive duties for the illegal use of drugs and for on-duty impairment by alcohol; and

(2) remove such persons who test positive for illegal use of drugs and on-duty impairment by alcohol pursuant to paragraph (1) from safety-sensitive duties in implementing subsection (c).

SEC. 105. POSTING NOTICES. *42 USC 12115.*

Every employer, employment agency, labor organization, or joint labor-management committee covered under this title shall post notices in an accessible format to applicants, employees, and members describing the applicable provisions of this Act, in the manner prescribed by section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).

SEC. 106. REGULATIONS. *42 USC 12116.*

Not later than 1 year after the date of enactment of this Act, the Commission shall issue regulations in an accessible format to carry out this title in accordance with subchapter II of chapter 5 of title 5, United States Code.

SEC. 107. ENFORCEMENT. *42 USC 12117.*

(a) Powers, Remedies, and Procedures. -- The powers, remedies, and procedures set forth in sections 705, 706, 707, 709, and 710 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9) shall be the powers, remedies, and procedures this title provides to the Commission, to the Attorney General, or to any person alleging discrimination on the basis of disability in violation of any provision of this Act, or regulations promulgated under section 106, concerning employment.

(b) Coordination. -- The agencies with enforcement authority for actions which allege employ-

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ment discrimination under this title and under the Rehabilitation Act of 1973 shall develop procedures to ensure that administrative complaints filed under this title and under the Rehabilitation Act of 1973 are dealt with in a manner that avoids duplication of effort and prevents imposition of inconsistent or conflicting standards for the same requirements under this title and the Rehabilitation Act of 1973. The Commission, the Attorney General, and the Office of Federal Contract Compliance Programs shall establish such coordinating mechanisms (similar to provisions contained in the joint regulations promulgated by the Commission and the Attorney General at part 42 of title 28 and part 1691 of title 29, Code of Federal Regulations, and the Memorandum of Understanding between the Commission and the Office of Federal Contract Compliance Programs dated January 16, 1981 (46 Fed. Reg. 7435, January 23, 1981)) in regulations implementing this title and Rehabilitation Act of 1973 not later than 18 months after the date of enactment of this Act.

SEC. 108. EFFECTIVE DATE.

42 USC 12111 note.

This title shall become effective 24 months after the date of enactment.

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TITLE V -- MISCELLANEOUS PROVISIONS

SEC. 501. CONSTRUCTION.

42 USC 12201.

(a) In General. -- Except as otherwise provided in this Act, nothing in this Act shall be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.) or the regulations issued by Federal agencies pursuant to such title.

(b) Relationship to Other Laws. -- Nothing in this Act shall be construed to invalidate or limit the remedies, rights, and procedures of any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for the rights of individuals with disabilities than are afforded by this Act. Nothing in this Act shall be construed to preclude the prohibition of, or the imposition of restrictions on, smoking in places of employment covered by title I, in transportation covered by title II or III, or in places of public accommodation covered by title III.

(c) Insurance. -- Titles I through IV of this Act shall not be construed to prohibit or restrict --

(1) an insurer, hospital or medical service company, health maintenance organization, or any agent, or entity that administers benefit plans, or similar organizations from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(2) a person or organization covered by this Act from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(3) a person or organization covered by this Act from establishing, sponsoring, observing or

administering the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.

Paragraphs (1), (2), and (3) shall not be used as a subterfuge to evade the purposes of title I and III.

(d) Accommodations and Services. -- Nothing in this Act shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept.

SEC. 502. STATE IMMUNITY. *42 USC 12202.*

A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this Act. In any action against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

SEC. 503. PROHIBITION AGAINST RETALIATION AND COERCION. *42 USC 12203.*

(a) Retaliation. -- No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this Act or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) Interference, Coercion, or Intimidation. -- It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

(c) Remedies and Procedures. -- The remedies and procedures available under sections 107, 203, and 308 of this Act shall be available to aggrieved persons for violations of subsections (a) and (b), with respect to title I, title II and title III, respectively.

SEC. 504. REGULATIONS BY THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD. *42 USC 12204.*

(a) Issuance of Guidelines. -- Not later than 9 months after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board shall issue minimum guidelines that shall supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of titles II and III of this Act.

(b) Contents of Guidelines. -- The supplemental guidelines issued under subsection (a) shall establish additional requirements, consistent with this Act, to ensure that buildings, facilities, rail passenger cars, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities.

(c) Qualified Historic Properties. --

(1) In general. -- The supplemental guidelines issued under subsection (a) shall include procedures and requirements for alterations that will threaten or destroy the historic significance

of qualified historic buildings and facilities as defined in 4.1.7(1)(a) of the Uniform Federal Accessibility Standards.

(2) Sites eligible for listing in national register. -- With respect to alterations of buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 et seq.), the guidelines described in paragraph (1) shall, at a minimum, maintain the procedures and requirements established in 4.1.7 (1) and (2) of the Uniform Federal Accessibility Standards.

(3) Other sites. -- With respect to alterations of buildings or facilities designated as historic under State or local law, the guidelines described in paragraph (1) shall establish procedures equivalent to those established by 4.1.7(1) (b) and (c) of the Uniform Federal Accessibility Standards, and shall require, at a minimum, compliance with the requirements established in 4.1.7(2) of such standards.

SEC. 505. ATTORNEY'S FEES. *42 USC 12205.*

In any action or administrative proceeding commenced pursuant to this Act, the court or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual.

SEC. 506. TECHNICAL ASSISTANCE. *42 USC 12206.*

(a) Plan for Assistance. --

(1) In general. -- Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Chair of the Equal Employment Opportunity Commission, the Secretary of Transportation, the Chair of the Architectural and Transportation Barriers Compliance Board, and the Chairman of the Federal Communications Commission, shall develop a plan to assist entities covered under this Act, and other Federal agencies, in understanding the responsibility of such entities and agencies under this Act.

(2) Publication of plan. -- The Attorney General shall publish the plan referred to in paragraph (1) for public comment in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act).

(b) Agency and Public Assistance. -- The Attorney General may obtain the assistance of other Federal agencies in carrying out subsection (a), including the National Council on Disability, the President's Committee on Employment of People with Disabilities, the Small Business Administration, and the Department of Commerce.

(c) Implementation. --

(1) Rendering assistance.-- Each Federal agency that has responsibility under paragraph (2) for implementing this Act may render technical assistance to individuals and institutions that have rights or duties under the respective title or titles for which such agency has responsibility.

(2) Implementation of titles. --

(A) Title I. -- The Equal Employment Opportunity Commission and the Attorney General shall implement the plan for assistance developed under subsection (a), for title I.

(B) Title II. --

(i) Subtitle A. -- The Attorney General shall implement such plan for assistance for subtitle A of title II.

(ii) Subtitle B. -- The Secretary of Transportation shall implement such plan for assistance for subtitle B of title II.

(C) Title III. -- The Attorney General, in coordination with the Secretary of Transportation and the Chair of the Architectural Transportation Barriers Compliance Board, shall implement such plan for assistance for title III, except for section 304, the plan for assistance for which shall be implemented by the Secretary of Transportation.

(D) Title IV. -- The Chairman of the Federal Communications Commission, in coordination with the Attorney General, shall implement such plan for assistance for title IV.

(3) Technical assistance manuals. -- Each Federal agency that has responsibility under paragraph (2) for implementing this Act shall, as part of its implementation responsibilities, ensure the availability and provision of appropriate technical assistance manuals to individuals or entities with rights or duties under this Act no later than six months after applicable final regulations are published under titles I, II, III, and IV.

(d) Grants and Contracts. --

(1) In general. -- Each Federal agency that has responsibility under subsection (c)(2) for implementing this Act may make grants or award contracts to effectuate the purposes of this section, subject to the availability of appropriations. Such grants and contracts may be awarded to individuals, institutions not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual (including educational institutions), and associations representing individuals who have rights or duties under this Act. Contracts may be awarded to entities organized for profit, but such entities may not be the recipients or [sic] grants described in this paragraph.

(2) Dissemination of information. -- Such grants and contracts, among other uses, may be designed to ensure wide dissemination of information about the rights and duties established by this Act and to provide information and technical assistance about techniques for effective compliance with this Act.

(e) Failure to Receive Assistance. -- An employer, public accommodation, or other entity covered under this Act shall not be excused from compliance with the requirements of this Act because of any failure to receive technical assistance under this section, including any failure in the development or dissemination of any technical assistance manual authorized by this section.

SEC. 507. FEDERAL WILDERNESS AREAS. *42 USC 12207.*

(a) Study. -- The National Council on Disability shall conduct a study and report on the effect that wilderness designations and wilderness land management practices have on the ability of individuals with disabilities to use and enjoy the National Wilderness Preservation System as established under the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) Submission of Report. -- Not later than 1 year after the enactment of this Act, the National Council on Disability shall submit the report required under subsection (a) to Congress.

(c) Specific Wilderness Access. --

(1) In general. -- Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair, and consistent with the Wilderness Act no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify

any conditions of lands within a wilderness area in order to facilitate such use.

(2) Definition. -- For purposes of paragraph (1), the term "wheelchair" means a device designed solely for use by a mobility-impaired person for locomotion, that is suitable for use in an indoor pedestrian area.

SEC. 508. TRANSVESTITES. *42 USC 12208.*

For the purposes of this Act, the term "disabled" or "disability" shall not apply to an individual solely because that individual is a transvestite.

SEC. 509. COVERAGE OF CONGRESS AND THE AGENCIES OF THE LEGISLATIVE BRANCH. *42 USC 12209.*

(a) Coverage of the Senate. --

(1) Commitment to Rule XLII. -- The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate which provides as follows:

"No member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof --

"(a) fail or refuse to hire an individual;
"(b) discharge an individual; or
"(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment

on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.".

(2) Matters Other Than Employment.--

(A) In General. -- The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to the conduct of the Senate regarding matters other than employment.

(B) Remedies. -- The Architect of the Capitol shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to subparagraph (A). Such remedies and procedures shall apply exclusively, after approval in accordance with subparagraph (C).

(C) Proposed remedies and procedures. -- For purposes of subparagraph (B), the Architect of the Capitol shall submit proposed remedies and procedures to the Senate Committee on Rules and Administration. The remedies and procedures shall be effective upon the approval of the Committee on Rules and Administration.

(3) Exercise of rulemaking power. -- Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in paragraph (2) (A) shall be within the exclusive jurisdiction of the United States Senate. The provisions of paragraph (1), (2)[sic] are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

(b) Coverage of the House of Representatives. --

(1) In general. -- Notwithstanding any other provision of this Act or of law, the purposes of this Act shall, subject to paragraphs (2) and (3), apply in their entirety to the House of Representatives.

(2) Employment in the House. --

(A) Application. -- The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(B) Administration. --

(i) In general. -- In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) Resolution. -- The resolution referred to in clause (i) is House Resolution 15 of the One Hundred First Congress, as agreed to January 3, 1989, or any other provision that continues in effect the provisions of, or is a successor to, the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988).

(C) Exercise of rulemaking power. -- The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

(3) Matters other than employment. --

(A) In general. -- The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to the conduct of the House of Representatives regarding matters other than employment.

(B) Remedies.-- The Architect of the Capitol shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to subparagraph (A). Such remedies and procedures shall apply exclusively, after approval in accordance with subparagraph (C).

(C) Approval.-- For purposes of subparagraph (B), the Architect of the Capitol shall submit proposed remedies and procedures to the Speaker of the House of Representatives. The remedies and procedures shall be effective upon the approval of the Speaker, after consultation with the House Office Building Commission.

(c) Instrumentalities of Congress. --

(1) In general. -- The rights and protections under this Act shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

(2) Establishment of remedies and procedures by instrumentalities. The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively, except for the employees who are defined as Senate employees in section 201(c)(1) of the Civil Rights Act of 1991.

(3) Report to Congress. – The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

(4) Definition of instrumentalities. -- For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the United States Botanic Garden.

(5) Construction. -- Nothing in this section shall alter the enforcement procedures for individuals with disabilities provided in the General Accounting Office Personnel Act of 1980 and regulations promulgated pursuant to that Act.

SEC. 510. ILLEGAL USE OF DRUGS. *42 USC 12210.*

(a) In General. -- For purposes of this Act, the term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(b) Rules of Construction. -- Nothing in subsection (a) shall be construed to exclude as an individual with a disability an individual who --

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(2) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(3) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (1) or (2) is no longer engaging in the illegal use of drugs; however, nothing in this section shall be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs.

(c) Health and Other Services. -- Notwithstanding subsection (a) and section 511(b)(3), an individual shall not be denied health services, or services provided in connection with drug rehabilitation, on the basis of the current illegal use of drugs if the individual is otherwise entitled to such services.

(d) Definition of Illegal use of drugs. --

(1) In general. -- The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

(2) Drugs. -- The term "drug" means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act.

SEC. 511. DEFINITIONS. *42 USC 12211.*

(a) Homosexuality and Bisexuality. -- For purposes of the definition of "disability" in section 3(2), homosexuality and bisexuality are not impairments and as such are not disabilities under this Act.

(b) Certain Conditions. -- Under this Act, the term "disability" shall not include --

(1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(2) compulsive gambling, kleptomania, or pyromania; or

(3) psychoactive substance use disorders resulting from current illegal use of drugs.

SEC. 512. AMENDMENTS TO THE REHABILITATION ACT. *42 USC 12115.*

(a) Definition of Handicapped Individual. -- Section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)) is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following subparagraph:

"(C)(i) For purposes of title V, the term 'individual with handicaps' does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

"(ii) Nothing in clause (i) shall be construed to exclude as an individual with handicaps an individual who --

"(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

"(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

"(III) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

"(iii) Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under titles I, II and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

"(iv) For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any handicapped student who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against nonhandicapped students. Furthermore, the due process procedures at 34 CFR 104.36 shall not apply to such disciplinary actions.

"(v) For purposes of sections 503 and 504 as such sections relate to employment, the term 'individual with handicaps' does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.".

(b) Definition of Illegal Drugs. -- Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended by adding at the end the following new paragraph:

"(22)(A) The term 'drug' means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(B) The term 'illegal use of drugs' means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law."

(c) Conforming Amendments. -- Section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B)) is amended --

(1) in the first sentence, by striking "Subject to the second sentence of this subparagraph," and inserting "Subject to subparagraphs (C) and (D),";
and

(2) by striking the second sentence.

SEC. 513. ALTERNATIVE MEANS OF DISPUTE RESOLUTION. *42 USC 12212.*

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under this Act.

SEC. 514. SEVERABILITY. *42 USC 12213.*

Should any provision in this Act be found to be unconstitutional by a court of law, such provision shall be severed from the remainder of the Act, and such action shall not affect the enforceability of the remaining provisions of the Act.

Approved July 26, 1990; Amended November 21, 1991.

APPENDIX B

EEOC Title I Regulations
and
Interpretive Appendix

29 CFR 1630 is amended to read as follows:

PART 1630-- REGULATIONS TO IMPLEMENT THE EQUAL EMPLOYMENT PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT

Sec.

1630.1 Purpose, applicability, and construction.

1630.2 Definitions.

1630.3 Exceptions to the definitions of "Disability" and "Qualified Individual with a Disability."

1630.4 Discrimination prohibited.

1630.5 Limiting, segregating, and classifying.

1630.6 Contractual or other arrangements.

1630.7 Standards, criteria, or methods of administration.

1630.8 Relationship or association with an individual with a disability.

1630.9 Not making reasonable accommodation.

1630.10 Qualification standards, tests, and other selection criteria.

1630.11 Administration of tests.

1630.12 Retaliation and coercion.

1630.13 Prohibited medical examinations and inquiries.

1630.14 Medical examinations and inquiries specifically permitted.

1630.15 Defenses.

1630.16 Specific activities permitted.

Appendix to part 1630 - Interpretive Guidance on Title I of the Americans with Disabilities Act.

Authority: 42 U.S.C. 12116.

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1630.1 Purpose, applicability, and construction.

(a) Purpose. The purpose of this part is to implement title I of the Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), requiring equal employment opportunities for qualified individuals with disabilities, and sections 3(2), 3(3), 501, 503, 506(e), 508, 510, and 511 of the ADA as those sections pertain to the employment of qualified individuals with disabilities.

(b) Applicability. This part applies to "covered entities" as defined at section 1630.2(b).

(c) Construction. -- (1) In general. Except as otherwise provided in this part, this part does not apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973

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Section 1630.1 Purpose, Applicability and Construction

Section 1630.1(a) Purpose

The Americans with Disabilities Act was signed into law on July 26, 1990. It is an antidiscrimination statute that requires that individuals with disabilities be given the same consideration for employment that individuals without disabilities are given. An individual who is qualified for an employment opportunity cannot be denied that opportunity because of the fact that the individual is disabled. The purpose of title I and this part is to ensure that qualified individuals with disabilities are protected from discrimination on the basis of disability.

The ADA uses the term "disabilities" rather than the term "handicaps" used in the Rehabilitation Act of 1973, 29 U.S.C. 701-796. Substantively, these terms are equivalent. As noted by the House Committee on the Judiciary, "[t]he use of the term 'disabilities' instead of the term 'handicaps' reflects the desire of the Committee to use the most current terminology. It reflects the preference of persons with disabilities to use that term rather than 'handicapped' as used in previous laws, such as the Rehabilitation Act of 1973 ...." H.R. Rep. No. 485 Part 3, 101st Cong., 2d Sess. 26-27 (1990) [hereinafter House Judiciary Report]; *see also* S. Rep. No. 116, 101st Cong., 1st Sess. 21 (1989) [hereinafter Senate Report]; H.R. Rep. No. 485 Part 2, 101st Cong., 2d Sess. 50-51 (1990) [hereinafter House Labor Report].

The use of the term "Americans" in the title of the ADA is not intended to imply that the Act only applies to United States citizens. Rather, the ADA protects all qualified individuals with disabilities, regardless of their citizenship status or nationality.

Section 1630.1(b) and (c) Applicability and Construction

Unless expressly stated otherwise, the standards applied in the ADA are not intended to be lesser than the standards applied under the Rehabilitation Act of 1973.

The ADA does not preempt any Federal law, or any state or local law, that grants to individuals with disabilities protection greater than or equivalent to that provided by the ADA. This means that the existence of a lesser standard of protection to individuals with disabilities under the ADA will not provide a defense to failing to meet a higher standard under another law. Thus, for example, title I of the ADA would not be a defense

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(29 U.S.C. 790 - 794a), or the regulations issued by Federal agencies pursuant to that title.

(2) Relationship to other laws. This part does not invalidate or limit the remedies, rights, and procedures of any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for the rights of individuals with disabilities than are afforded by this part.

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to failing to collect information required to satisfy the affirmative action requirements of Section 503 of the Rehabilitation Act. On the other hand, the existence of a lesser standard under another law will not provide a defense to failing to meet a higher standard under the ADA. See House Labor Report at 135; House Judiciary Report at 69-70.

This also means that an individual with a disability could choose to pursue claims under a state discrimination or tort law that does not confer greater substantive rights, or even confers fewer substantive rights, if the potential available remedies would be greater than those available under the ADA and this part. The ADA does not restrict an individual with a disability from pursuing such claims in addition to charges brought under this part. House Judiciary at 69-70.

The ADA does not automatically preempt medical standards or safety requirements established by Federal law or regulations. It does not preempt State, county, or local laws, ordinances or regulations that are consistent with this part, and are designed to protect the public health from individuals who pose a direct threat, that cannot be eliminated or reduced by reasonable accommodation, to the health or safety of others. However, the ADA does preempt inconsistent requirements established by state or local law for safety or security sensitive positions. See Senate Report at 27; House Labor Report at 57.

An employer allegedly in violation of this part cannot successfully defend its actions by relying on the obligation to comply with the requirements of any state or local law that imposes prohibitions or limitations on the eligibility of qualified individuals with disabilities to practice any occupation or profession. For example, suppose a municipality has an ordinance that prohibits individuals with tuberculosis from teaching school children. If an individual with dormant tuberculosis challenges a private school's refusal to hire him or her because of the tuberculosis, the private school would not be able to rely on the city ordinance as a defense under the ADA.

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1630.2 Definitions.

(a) Commission means the Equal Employment Opportunity Commission established by Section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4).

(b) Covered Entity means an employer, employment agency, labor organization, or joint labor management committee.

(c) Person, labor organization, employment agency, commerce and industry affecting commerce shall have the same meaning given those terms in Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(d) State means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(e) Employer. -- (1) In general. The term "employer" means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, from July 26, 1992 through July 25, 1994, an employer

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Sections 1630.2(a)-(f) Commission, Covered Entity, etc.

The definitions section of part 1630 includes several terms that are identical, or almost identical, to the terms found in title VII of the Civil Rights Act of 1964. Among these terms are "Commission," "Person," "State," and "Employer." These terms are to be given the same meaning under the ADA that they are given under title VII.

In general, the term "employee" has the same meaning that it is given under title VII. However, the ADA's definition of "employee" does not contain an exception, as does title VII, for elected officials and their personal staffs. It should be further noted that all state and local governments are covered by title II of the ADA whether or not they are also covered by this part. Title II, which is enforced by the Department of Justice, becomes effective on January 26, 1992. See 28 CFR part 35.

The term "covered entity" is not found in title VII. However, the title VII definitions of the entities included in the term "covered entity" (e.g., employer, employment agency, etc.) are applicable to the ADA.

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means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year and any agent of such person.

(2) Exceptions. The term employer does not include --

(i) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or

(ii) a bona fide private membership club (other than a labor organization) that is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1986.

(f) Employee means an individual employed by an employer.

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(g) Disability means, with respect to an individual --

(1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment. (See section 1630.3 for exceptions to this definition).

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Section 1630.2(g) Disability

In addition to the term "covered entity," there are several other terms that are unique to the ADA. The first of these is the term "disability." Congress adopted the definition of this term from the Rehabilitation Act definition of the term "individual with handicaps." By so doing, Congress intended that the relevant caselaw developed under the Rehabilitation Act be generally applicable to the term "disability" as used in the ADA. Senate Report at 21; House Labor Report at 50; House Judiciary Report at 27.

The definition of the term "disability" is divided into three parts. An individual must satisfy at least one of these parts in order to be considered an individual with a disability for purposes of this part. An individual is considered to have a "disability" if that individual either (1) has a physical or mental impairment which substantially limits one or more of that person's major life activities, (2) has a record of such an impairment, or, (3) is regarded by the covered entity as having such an impairment.

To understand the meaning of the term "disability," it is necessary to understand, as a preliminary matter, what is meant by the terms "physical or mental impairment," "major life activity," and "substantially limits." Each of these terms is discussed below.

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(h) Physical or mental impairment means:

(1) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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Section 1630.2(h) Physical or Mental Impairment

This term adopts the definition of the term "physical or mental impairment" found in the regulations implementing Section 504 of the Rehabilitation Act at 34 CFR part 104. It defines physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of several body systems, or any mental or psychological disorder.

The existence of an impairment is to be determined without regard to mitigating measures such as medicines, or assistive or prosthetic devices. See Senate Report at 23; House Labor Report at 52; House Judiciary Report at 28. For example, an individual with epilepsy would be considered to have an impairment even if the symptoms of the disorder were completely controlled by medicine. Similarly, an individual with hearing loss would be considered to have an impairment even if the condition were correctable through the use of a hearing aid.

It is important to distinguish between conditions that are impairments and physical, psychological, environmental, cultural and economic characteristics that are not impairments. The definition of the term "impairment" does not include physical characteristics such as eye color, hair color, left-handedness, or height, weight or muscle tone that are within "normal" range and are not the result of a physiological disorder. The definition, likewise, does not include characteristic predisposition to illness or disease. Other conditions, such as pregnancy, that are not the result of a physiological disorder are also not impairments. Similarly, the definition does not include common personality traits such as poor judgment or a quick temper where these are not symptoms of a mental or psychological disorder. Environmental, cultural, or economic disadvantages such as poverty, lack of education or a prison record are not impairments. Advanced age, in and of itself, is also not an impairment. However, various medical conditions commonly associated with age, such as hearing loss, osteoporosis, or arthritis would constitute impairments within the meaning of this part. See Senate Report at 22-23; House Labor Report at 51-52; House Judiciary Report at 28-29.

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(i) Major Life Activities means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

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Section 1630.2(i) Major Life Activities

This term adopts the definition of the term "major life activities" found in the regulations implementing Section 504 of the Rehabilitation Act at 34 CFR part 104. "Major life activities" are those basic activities that the average person in the general population can perform with little or no difficulty. Major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. For example, other major life activities include, but are not limited to, sitting, standing, lifting, reaching. See Senate Report at 22; House Labor Report at 52; House Judiciary Report at 28.

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(j) Substantially limits. -- (1) The term "substantially limits" means:

(i) Unable to perform a major life activity that the average person in the general population can perform; or

(ii) Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

(2) The following factors should be considered in determining whether an individual is substantially limited in a major life activity:

(i) The nature and severity of the impairment;

(ii) The duration or expected duration of the impairment; and

(iii) The permanent or long term impact, or the expected permanent or long term impact of or resulting from the impairment.

(3) With respect to the major life activity of "working" --

(i) The term "substan-

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Section 1630.2(j) Substantially Limits

Determining whether a physical or mental impairment exists is only the first step in determining whether or not an individual is disabled. Many impairments do not impact an individual's life to the degree that they constitute disabling impairments. An impairment rises to the level of disability if the impairment substantially limits one or more of the individual's major life activities. Multiple impairments that combine to substantially limit one or more of an individual's major life activities also constitute a disability.

The ADA and this part, like the Rehabilitation Act of 1973, do not attempt a "laundry list" of impairments that are "disabilities." The determination of whether an individual has a disability is not necessarily based on the name or diagnosis of the impairment the person has, but rather on the effect of that impairment on the life of the individual. Some impairments may be disabling for particular individuals but not for others, depending on the stage of the disease or disorder, the presence of other impairments that combine to make the impairment disabling or any number of other factors. Other impairments, however, such as HIV infection, are inherently substantially limiting.

On the other hand, temporary, non-chronic impairments of short duration, with little or no long term or permanent impact, are usually not disabilities. Such impairments may include, but are not limited to, broken limbs, sprained joints, concussions, appendicitis, and influenza. Similarly, except in rare circumstances, obesity is not considered a disabling impairment.

An impairment that prevents an individual from performing a major life activity substantially limits that major life activity. For example, an individual whose legs are paralyzed is substantially limited in the major life activity of walking because he or she is unable, due to the impairment, to perform that major life activity.

Alternatively, an impairment is substantially limiting if it significantly restricts the duration, manner or condition under which an individual can perform a particular major life activity as compared to the average person in the general population's ability to perform that same major life activity. Thus, for example, an individual who, because of an impairment, can only walk for very brief periods of time would be

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tially limits" means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills and abilities. The inability to perform a single, particular job does not constitute a substantial limitation in the major life activity of working.

(ii) In addition to the factors listed in paragraph (j)(2) of this section, the following factors may be considered in determining whether an individual is substantially limited in the major life activity of "working":

(A) The geographical area to which the individual has reasonable access;

(B) The job from which the individual has been disqualified because of an impairment, and the number and types of jobs utilizing similar training, knowledge, skills or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (class of jobs); and/or

(C) The job from which the individual has been disqualified because of an impairment, and the number and types of other jobs not

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substantially limited in the major life activity of walking. An individual who uses artificial legs would likewise be substantially limited in the major life activity of walking because the individual is unable to walk without the aid of prosthetic devices. Similarly, a diabetic who without insulin would lapse into a coma would be substantially limited because the individual cannot perform major life activities without the aid of medication. See Senate Report at 23; House Labor Report at 52. It should be noted that the term "average person" is not intended to imply a precise mathematical "average."

Part 1630 notes several factors that should be considered in making the determination of whether an impairment is substantially limiting. These factors are (1) the nature and severity of the impairment, (2) the duration or expected duration of the impairment, and (3) the permanent or long term impact, or the expected permanent or long term impact of, or resulting from, the impairment. The term "duration," as used in this context, refers to the length of time an impairment persists, while the term "impact" refers to the residual effects of an impairment. Thus, for example, a broken leg that takes eight weeks to heal is an impairment of fairly brief duration. However, if the broken leg heals improperly, the "impact" of the impairment would be the resulting permanent limp. Likewise, the effect on cognitive functions resulting from traumatic head injury would be the "impact" of that impairment.

The determination of whether an individual is substantially limited in a major life activity must be made on a case by case basis, without regard to mitigating measures such as medicines, or assistive or prosthetic devices. An individual is not substantially limited in a major life activity if the limitation, when viewed in light of the factors noted above, does not amount to a significant restriction when compared with the abilities of the average person. For example, an individual who had once been able to walk at an extraordinary speed would not be substantially limited in the major life activity of walking if, as a result of a physical impairment, he or she were only able to walk at an average speed, or even at moderately below average speed.

It is important to remember that the restriction on the performance of the major life activity must be the result of a condition that is an impairment. As noted earlier, advanced age, physical or personality characteristics, and environmental, cultural, and economic disadvantages are not impairments.

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utilizing similar training, knowledge, skills or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (broad range of jobs in various classes).

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Consequently, even if such factors substantially limit an individual's ability to perform a major life activity, this limitation will not constitute a disability. For example, an individual who is unable to read because he or she was never taught to read would not be an individual with a disability because lack of education is not an impairment. However, an individual who is unable to read because of dyslexia would be an individual with a disability because dyslexia, a learning disability, is an impairment.

If an individual is not substantially limited with respect to any other major life activity, the individual's ability to perform the major life activity of working should be considered. If an individual is substantially limited in any other major life activity, no determination should be made as to whether the individual is substantially limited in working. For example, if an individual is blind, i.e., substantially limited in the major life activity of seeing, there is no need to determine whether the individual is also substantially limited in the major life activity of working. The determination of whether an individual is substantially limited in working must also be made on a case by case basis.

This part lists specific factors that may be used in making the determination of whether the limitation in working is "substantial." These factors are:

(1) the geographical area to which the individual has reasonable access;

(2) the job from which the individual has been disqualified because of an impairment, and the number and types of jobs utilizing similar training, knowledge, skills or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (class of jobs); and/or

(3) the job from which the individual has been disqualified because of an impairment, and the number and types of other jobs not utilizing similar training, knowledge, skills or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (broad range of jobs in various classes).

Thus, an individual is not substantially limited in working just because he or she is unable to perform a particular job for one employer, or because he or she is unable to perform a special-

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ized job or profession requiring extraordinary skill, prowess or talent. For example, an individual who cannot be a commercial airline pilot because of a minor vision impairment, but who can be a commercial airline co-pilot or a pilot for a courier service, would not be substantially limited in the major life activity of working. Nor would a professional baseball pitcher who develops a bad elbow and can no longer throw a baseball be considered substantially limited in the major life activity of working. In both of these examples, the individuals are not substantially limited in the ability to perform any other major life activity and, with regard to the major life activity of working, are only unable to perform either a particular specialized job or a narrow range of jobs. See Forrisi v. Bowen, 794 F.2d 931 (4th Cir. 1986); Jasany v. U.S. Postal Service, 755 F.2d 1244 (6th Cir. 1985); E.E.Black, Ltd. v. Marshall, 497 F. Supp. 1088 (D. Hawaii 1980).

On the other hand, an individual does not have to be totally unable to work in order to be considered substantially limited in the major life activity of working. An individual is substantially limited in working if the individual is significantly restricted in the ability to perform a class of jobs or a broad range of jobs in various classes, when compared with the ability of the average person with comparable qualifications to perform those same jobs. For example, an individual who has a back condition that prevents the individual from performing any heavy labor job would be substantially limited in the major life activity of working because the individual's impairment eliminates his or her ability to perform a class of jobs. This would be so even if the individual were able to perform jobs in another class, e.g., the class of semi-skilled jobs. Similarly, suppose an individual has an allergy to a substance found in most high rise office buildings, but seldom found elsewhere, that makes breathing extremely difficult. Since this individual would be substantially limited in the ability to perform the broad range of jobs in various classes that are conducted in high rise office buildings within the geographical area to which he or she has reasonable access, he or she would be substantially limited in working.

The terms "number and types of jobs" and "number and types of other jobs," as used in the factors discussed above, are not intended to require an onerous evidentiary showing. Rather, the terms only require the presentation of evidence of general employment demographics and/or of recognized occupational classifications that indicate the approximate number of jobs

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(e.g., "few," "many," "most") from which an individual would be excluded because of an impairment.

If an individual has a "mental or physical impairment" that "substantially limits" his or her ability to perform one or more "major life activities," that individual will satisfy the first part of the regulatory definition of "disability" and will be considered an individual with a disability. An individual who satisfies this first part of the definition of the term "disability" is not required to demonstrate that he or she satisfies either of the other parts of the definition. However, if an individual is unable to satisfy this part of the definition, he or she may be able to satisfy one of the other parts of the definition.

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(k) Has a record of such impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

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Section 1630.2(k) Record of a Substantially Limiting Condition

The second part of the definition provides that an individual with a record of an impairment that substantially limits a major life activity is an individual with a disability. The intent of this provision, in part, is to ensure that people are not discriminated against because of a history of disability. For example, this provision protects former cancer patients from discrimination based on their prior medical history. This provision also ensures that individuals are not discriminated against because they have been misclassified as disabled. For example, individuals misclassified as learning disabled are protected from discrimination on the basis of that erroneous classification. Senate Report at 23; House Labor Report at 52-53; House Judiciary Report at 29.

This part of the definition is satisfied if a record relied on by an employer indicates that the individual has or has had a substantially limiting impairment. The impairment indicated in the record must be an impairment that would substantially limit one or more of the individual's major life activities. There are many types of records that could potentially contain this information, including but not limited to, education, medical, or employment records.

The fact that an individual has a record of being a disabled veteran, or of disability retirement, or is classified as disabled for other purposes does not guarantee that the individual will satisfy the definition of "disability" under part 1630. Other statutes, regulations and programs may have a definition of "disability" that is not the same as the definition set forth in the ADA and contained in part 1630. Accordingly, in order for an individual who has been classified in a record as "disabled" for some other purpose to be considered disabled for purposes of part 1630, the impairment indicated in the record must be a physical or mental impairment that substantially limits one or more of the individual's major life activities.

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(l) Is regarded as having such an impairment means:

(1) Has a physical or mental impairment that does not substantially limit major life activities but is treated by a covered entity as constituting such limitation;

(2) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in paragraphs (h)(1) or (2) of this section but is treated by a covered entity as having a substantially limiting impairment.

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Section 1630.2(l) Regarded as Substantially Limited in a Major Life Activity

If an individual cannot satisfy either the first part of the definition of "disability" or the second "record of" part of the definition, he or she may be able to satisfy the third part of the definition. The third part of the definition provides that an individual who is regarded by an employer or other covered entity as having an impairment that substantially limits a major life activity is an individual with a disability.

There are three different ways in which an individual may satisfy the definition of "being regarded as having a disability":

(1) The individual may have an impairment which is not substantially limiting but is perceived by the employer or other covered entity as constituting a substantially limiting impairment;

(2) the individual may have an impairment which is only substantially limiting because of the attitudes of others toward the impairment; or

(3) the individual may have no impairment at all but is regarded by the employer or other covered entity as having a substantially limiting impairment.
Senate Report at 23; House Labor Report at 53; House Judiciary Report at 29.

An individual satisfies the first part of this definition if the individual has an impairment that is not substantially limiting, but the covered entity perceives the impairment as being substantially limiting. For example, suppose an employee has controlled high blood pressure that is not substantially limiting. If an employer reassigns the individual to less strenuous work because of unsubstantiated fears that the individual will suffer a heart attack if he or she continues to perform strenuous work, the employer would be regarding the individual as disabled.

An individual satisfies the second part of the "regarded as" definition if the individual has an impairment that is only substantially limiting because of the attitudes of others toward the condition. For example, an individual may have a prominent facial scar or disfigurement, or may have a condition that periodically causes an involuntary jerk of the head but does not limit the individual's major life activities. If an employer discriminates against such an individual because of the negative reactions of customers, the employer would be regarding the individual as disabled and acting on the basis of that perceived disability. See Senate Report at 24; House Labor Report at 53; House Judiciary Report at 30-31.

An individual satisfies the third part of the "regarded as" definition of "disability" if the employer or other covered entity erroneously believes the individual has a substantially limiting impairment that the individual actually does not have. This situation could occur, for example, if an employer discharged an employee in response to a rumor that the employee is infected with Human Immunodeficiency Virus (HIV). Even though the rumor is totally unfounded and the individual has no impairment at all, the individual is considered an individual with a disability because the employer perceived of this individual as being disabled. Thus, in this example, the employer, by discharging this employee, is discriminating on the basis of disability.

The rationale for the "regarded as" part of the definition of disability was articulated by the Supreme Court in the context of the Rehabilitation Act of 1973 in School Board of Nassau County v. Arline, 480 U.S. 273 (1987). The Court noted that, although an individual may have an impairment that does not in fact substantially limit a major life activity, the reaction of others may prove just as disabling. "Such an impairment might not diminish a person's physical or mental capabilities, but could nevertheless substantially limit that person's ability to work as a result of the negative reactions of others to the impairment." 480 U.S. at 283. The Court concluded that by including "regarded as" in the Rehabilitation Act's definition, "Congress acknowledged that society's accumulated myths and fears about disability and diseases are as handicapping as are the physical limitations that flow from actual impairment." 480 U.S. at 284.

An individual rejected from a job because of the "myths, fears and sterotypes" associated with disabilities would be covered under this part of the definition of disability, whether or not the employer's or other covered entity's perception were shared by others in the field and whether or not the individual's actual physical or mental condition would be considered a disability under the first or second part of this definition. As the legislative history notes, sociologists have

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identified common attitudinal barriers that frequently result in employers excluding individuals with disabilities. These include concerns regarding productivity, safety, insurance, liability, attendance, cost of accommodation and accessibility, workers' compensation costs, and acceptance by coworkers and customers.

Therefore, if an individual can show that an employer or other covered entity made an employment decision because of a perception of disability based on "myth, fear or stereotype," the individual will satisfy the "regarded as" part of the definition of disability. If the employer cannot articulate a non-discriminatory reason for the employment action, an inference that the employer is acting on the basis of "myth, fear or stereotype" can be drawn.

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(m)Qualified individual with a disability means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. (See section 1630.3 for exceptions to this definition).

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Section 1630.2(m) Qualified Individual with a Disability

The ADA prohibits discrimination on the basis of disability against qualified individuals with disabilities. The determination of whether an individual with a disability is "qualified" should be made in two steps. The first step is to determine if the individual satisfies the prerequisites for the position, such as possessing the appropriate educational background, employment experience, skills, licenses, etc. For example, the first step in determining whether an accountant who is paraplegic is qualified for a certified public accountant (CPA) position is to examine the individual's credentials to determine whether the individual is a licensed CPA. This is sometimes referred to in the Rehabilitation Act caselaw as determining whether the individual is "otherwise qualified" for the position. See Senate Report at 33; House Labor Report at 64-65. (See section 1630.9 Not Making Reasonable Accommodation).

The second step is to determine whether or not the individual can perform the essential functions of the position held or desired, with or without reasonable accommodation. The purpose of this second step is to ensure that individuals with disabilities who can perform the essential functions of the position held or desired are not denied employment opportunities because they are not able to perform marginal functions of the position. House Labor Report at 55.

The determination of whether an individual with a disability is qualified is to be made at the time of the employment decision. This determination should be based on the capabilities of the individual with a disability at the time of the employment decision, and should not be based on speculation that the employee may become unable in the future or may cause increased health insurance premiums or workers' compensation costs.

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(n) Essential functions. -

(1) In general. The term "essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position.

(2) A job function may be considered essential for any of several reasons, including but not limited to the following:

(i) The function may be essential because the reason the position exists is to perform that function;

(ii) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or

(iii) The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(3) Evidence of whether a particular function is essential includes, but is not limited to:

(i) The employer's judgment as to which functions are essential;

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Section 1630.2(n) Essential Functions

The determination of which functions are essential may be critical to the determination of whether or not the individual with a disability is qualified. The essential functions are those functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation.

The inquiry into whether a particular function is essential initially focuses on whether the employer actually requires employees in the position to perform the functions that the employer asserts are essential. For example, an employer may state that typing is an essential function of a position. If, in fact, the employer has never required any employee in that particular position to type, this will be evidence that typing is not actually an essential function of the position.

If the individual who holds the position is actually required to perform the function the employer asserts is an essential function, the inquiry will then center around whether removing the function would fundamentally alter that position. This determination of whether or not a particular function is essential will generally include one or more of the following factors listed in part 1630.

The first factor is whether the position exists to perform a particular function. For example, an individual may be hired to proofread documents. The ability to proofread the documents would then be an essential function, since this is the only reason the position exists.

The second factor in determining whether a function is essential is the number of other employees available to perform that job function or among whom the performance of that job function can be distributed. This may be a factor either because the total number of available employees is low, or because of the fluctuating demands of the business operation. For example, if an employer has a relatively small number of available employees for the volume of work to be performed, it may be necessary that each employee perform a multitude of different functions. Therefore, the performance of those functions by each employee becomes more critical and the options for reorganizing the work become more limited. In such a situation, functions that might not be essential if there were a larger staff may become essential because the staff size is small compared to the volume of work that has to be done.

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(ii) Written job descriptions prepared before advertising or interviewing applicants for the job;

(iii) The amount of time spent on the job performing the function;

(iv)The consequences of not requiring the incumbent to perform the function;

(v) The terms of a collective bargaining agreement;

(vi)The work experience of past incumbents in the job; and/or

(vii) The current work experience of incumbents in similar jobs.

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See Treadwell v. Alexander, 707 F.2d 473 (11th Cir. 1983).

A similar situation might occur in a larger work force if the workflow follows a cycle of heavy demand for labor intensive work followed by low demand periods. This type of workflow might also make the performance of each function during the peak periods more critical and might limit the employer's flexibility in reorganizing operating procedures. See Dexler v. Tisch, 660 F. Supp. 1418 (D. Conn. 1987).

The third factor is the degree of expertise or skill required to perform the function. In certain professions and highly skilled positions the employee is hired for his or her expertise or ability to perform the particular function. In such a situation, the performance of that specialized task would be an essential function.

Whether a particular function is essential is a factual determination that must be made on a case by case basis. In determining whether or not a particular function is essential, all relevant evidence should be considered. Part 1630 lists various types of evidence, such as an established job description, that should be considered in determining whether a particular function is essential. Since the list is not exhaustive, other relevant evidence may also be presented. Greater weight will not be granted to the types of evidence included on the list than to the types of evidence not listed.

Although part 1630 does not require employers to develop or maintain job descriptions, written job descriptions prepared before advertising or interviewing applicants for the job, as well as the employer's judgment as to what functions are essential are among the relevant evidence to be considered in determining whether a particular function is essential. The terms of a collective bargaining agreement are also relevant to the determination of whether a particular function is essential. The work experience of past employees in the job or of current employees in similar jobs is likewise relevant to the determination of whether a particular function is essential. See H.R. Conf. Rep. No. 101-596, 101st Cong., 2d Sess. 58 (1990) [hereinafter Conference Report]; House Judiciary Report at 33-34. See also Hall v. U.S. Postal Service, 857 F.2d 1073 (6th Cir. 1988).

The time spent performing the particular function may also be an indicator of whether that function is essential. For example,

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if an employee spends the vast majority of his or her time working at a cash register, this would be evidence that operating the cash register is an essential function. The consequences of failing to require the employee to perform the function may be another indicator of whether a particular function is essential. For example, although a firefighter may not regularly have to carry an unconscious adult out of a burning building, the consequence of failing to require the firefighter to be able to perform this function would be serious.

It is important to note that the inquiry into essential functions is not intended to second guess an employer's business judgment with regard to production standards, whether qualitative or quantitative, nor to require employers to lower such standards. (See section 1630.10 Qualification Standards, Tests and Other Selection Criteria). If an employer requires its typists to be able to accurately type 75 words per minute, it will not be called upon to explain why an inaccurate work product, or a typing speed of 65 words per minute, would not be adequate. Similarly, if a hotel requires its service workers to thoroughly clean 16 rooms per day, it will not have to explain why it requires thorough cleaning, or why it chose a 16 room rather than a 10 room requirement. However, if an employer does require accurate 75 word per minute typing or the thorough cleaning of 16 rooms, it will have to show that it actually imposes such requirements on its employees in fact, and not simply on paper. It should also be noted that, if it is alleged that the employer intentionally selected the particular level of production to exclude individuals with disabilities, the employer may have to offer a legitimate, nondiscriminatory reason for its selection.

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(o) Reasonable accommodation. -- (1) The term "reasonable accommodation" means:

(i) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(ii) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(iii) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

(2) Reasonable accommodation may include but is not limited to:

(i) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(ii) Job restructuring; part-time or modified work

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Section 1630.2(o) Reasonable Accommodation

An individual is considered a "qualified individual with a disability" if the individual can perform the essential functions of the position held or desired with or without reasonable accommodation. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodation. These are (1) accommodations that are required to ensure equal opportunity in the application process; (2) accommodations that enable the employer's employees with disabilities to perform the essential functions of the position held or desired; and (3) accommodations that enable the employer's employees with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities. It should be noted that nothing in this part prohibits employers or other covered entities from providing accommodations beyond those required by this part.

Part 1630 lists the examples, specified in title I of the ADA, of the most common types of accommodation that an employer or other covered entity may be required to provide. There are any number of other specific accommodations that may be appropriate for particular situations but are not specifically mentioned in this listing. This listing is not intended to be exhaustive of accommodation possibilities. For example, other accommodations could include permitting the use of accrued paid leave or providing additional unpaid leave for necessary treatment, making employer provided transportation accessible, and providing reserved parking spaces. Providing personal assistants, such as a page turner for an employee with no hands or a travel attendant to act as a sighted guide to assist a blind employee on occasional business trips, may also be a reasonable accommodation. Senate Report at 31; House Labor Report at 62; House Judiciary Report at 39.

It may also be a reasonable accommodation to permit an individual with a disability the opportunity to provide and utilize equipment, aids or services that an employer is not required to provide as a reasonable accommodation. For example, it would be a reasonable accommodation for an employer to permit an individual who is blind to use a guide dog at work, even though the employer would not be required to provide a guide dog for the employee.

The accommodations included on the list of reasonable ac-

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schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(3) To determine the appropriate reasonable accommodation it may be necessary for the covered entity to initiate an informal, interactive process with the qualified individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

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commodations are generally self explanatory. However, there are a few that require further explanation. One of these is the accommodation of making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities. This accommodation includes both those areas that must be accessible for the employee to perform essential job functions, as well as non-work areas used by the employer's employees for other purposes. For example, accessible break rooms, lunch rooms, training rooms, restrooms, etc., may be required as reasonable accommodations.

Another of the potential accommodations listed is "job restructuring." An employer or other covered entity may restructure a job by reallocating or redistributing nonessential, marginal job functions. For example, an employer may have two jobs, each of which entails the performance of a number of marginal functions. The employer hires a qualified individual with a disability who is able to perform some of the marginal functions of each job but not all of the marginal functions of either job. As an accommodation, the employer may redistribute the marginal functions so that all of the marginal functions that the qualified individual with a disability can perform are made a part of the position to be filled by the qualified individual with a disability. The remaining marginal functions that the individual with a disability cannot perform would then be transferred to the other position. See Senate Report at 31; House Labor Report at 62.

An employer or other covered entity is not required to reallocate essential functions. The essential functions are by definition those that the individual who holds the job would have to perform, with or without reasonable accommodation, in order to be considered qualified for the position. For example, suppose a security guard position requires the individual who holds the job to inspect identification cards. An employer would not have to provide an individual who is legally blind with an assistant to look at the identification cards for the legally blind employee. In this situation the assistant would be performing the job for the individual with a disability rather than assisting the individual to perform the job. See Coleman v. Darden, 595 F.2d 533 (10th Cir. 1979).

An employer or other covered entity may also restructure a job by altering when and/or how an essential function is performed. For example, an essential function customarily performed in the early morning hours may be rescheduled until

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later in the day as a reasonable accommodation to a disability that precludes performance of the function at the customary hour. Likewise, as a reasonable accommodation, an employee with a disability that inhibits the ability to write, may be permitted to computerize records that were customarily maintained manually.

Reassignment to a vacant position is also listed as a potential reasonable accommodation. In general, reassignment should be considered only when accommodation within the individual's current position would pose an undue hardship. Reassignment is not available to applicants. An applicant for a position must be qualified for, and be able to perform the essential functions of, the position sought with or without reasonable accommodation.

Reassignment may not be used to limit, segregate, or otherwise discriminate against employees with disabilities by forcing reassignments to undesirable positions or to designated offices or facilities. Employers should reassign the individual to an equivalent position, in terms of pay, status, etc., if the individual is qualified, and if the position is vacant within a reasonable amount of time. A "reasonable amount of time" should be determined in light of the totality of the circumstances. As an example, suppose there is no vacant position available at the time that an individual with a disability requests reassignment as a reasonable accommodation. The employer, however, knows that an equivalent position for which the individual is qualified, will become vacant next week. Under these circumstances, the employer should reassign the individual to the position when it becomes available.

An employer may reassign an individual to a lower graded position if there are no accommodations that would enable the employee to remain in the current position and there are no vacant equivalent positions for which the individual is qualified with or without reasonable accommodation. An employer, however, is not required to maintain the reassigned individual with a disability at the salary of the higher graded position if it does not so maintain reassigned employees who are not disabled. It should also be noted that an employer is not required to promote an individual with a disability as an accommodation. See Senate Report at 31-32; House Labor Report at 63.

The determination of which accommodation is appropriate in a particular situation involves a process in which the employer and employee identify the precise limitations imposed by the disability and explore potential accommodations that would overcome those limitations. This process is discussed more fully in section 1630.9 Not Making Reasonable Accommodation.

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(p) Undue hardship. --

(1) In general. "Undue hardship" means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the factors set forth in paragraph (p)(2) of this section.

(2) Factors to be considered. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

(i) The nature and net cost of the accommodation needed under this part, taking into consideration the availability of tax credits and deductions, and/or outside funding;

(ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;

(iii) The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type and location of its facilities;

(iv)The type of operation

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Section 1630.2(p) Undue Hardship

An employer or other covered entity is not required to provide an accommodation that will impose an undue hardship on the operation of the employer's or other covered entity's business. The term "undue hardship" means significant difficulty or expense in, or resulting from, the provision of the accommodation. The "undue hardship" provision takes into account the financial realities of the particular employer or other covered entity. However, the concept of undue hardship is not limited to financial difficulty. "Undue hardship" refers to any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business. See Senate Report at 35; House Labor Report at 67.

For example, suppose an individual with a disabling visual impairment that makes it extremely difficult to see in dim lighting applies for a position as a waiter in a nightclub and requests that the club be brightly lit as a reasonable accommodation. Although the individual may be able to perform the job in bright lighting, the nightclub will probably be able to demonstrate that that particular accommodation, though inexpensive, would impose an undue hardship if the bright lighting would destroy the ambience of the nightclub and/or make it difficult for the customers to see the stage show. The fact that that particular accommodation poses an undue hardship, however, only means that the employer is not required to provide that accommodation. If there is another accommodation that will not create an undue hardship, the employer would be required to provide the alternative accommodation.

An employer's claim that the cost of a particular accommodation will impose an undue hardship will be analyzed in light of the factors outlined in part 1630. In part, this analysis requires a determination of whose financial resources should be considered in deciding whether the accommodation is unduly costly. In some cases the financial resources of the employer or other covered entity in its entirety should be considered in determining whether the cost of an accommodation poses an undue hardship. In other cases, consideration of the financial resources of the employer or other covered entity as a whole may be inappropriate because it may not give an accurate picture of the financial resources available to the particular facility that will actually be required to provide the accommodation. See House Labor Report at 68-69; House Judiciary Report at 40-41; see also Conference Report at 56-57.

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or operations of the covered entity, including the composition, structure and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and

(v) The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

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If the employer or other covered entity asserts that only the financial resources of the facility where the individual will be employed should be considered, part 1630 requires a factual determination of the relationship between the employer or other covered entity and the facility that will provide the accommodation. As an example, suppose that an independently owned fast food franchise that receives no money from the franchisor refuses to hire an individual with a hearing impairment because it asserts that it would be an undue hardship to provide an interpreter to enable the individual to participate in monthly staff meetings. Since the financial relationship between the franchisor and the franchise is limited to payment of an annual franchise fee, only the financial resources of the franchise would be considered in determining whether or not providing the accommodation would be an undue hardship. See House Labor Report at 68; House Judiciary Report at 40.

If the employer or other covered entity can show that the cost of the accommodation would impose an undue hardship, it would still be required to provide the accommodation if the funding is available from another source, e.g., a State vocational rehabilitation agency, or if Federal, State or local tax deductions or tax credits are available to offset the cost of the accommodation. If the employer or other covered entity receives, or is eligible to receive, monies from an external source that would pay the entire cost of the accommodation, it cannot claim cost as an undue hardship. In the absence of such funding, the individual with a disability requesting the accommodation should be given the option of providing the accommodation or of paying that portion of the cost which constitutes the undue hardship on the operation of the business. To the extent that such monies pay or would pay for only part of the cost of the accommodation, only that portion of the cost of the accommodation that could not be recovered - the final net cost to the entity - may be considered in determining undue hardship. (See section 1630.9 Not Making Reasonable Accommodation). See Senate Report at 36; House Labor Report at 69.

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(q) Qualification standards means the personal and professional attributes including the skill, experience, education, physical, medical, safety and other requirements established by a covered entity as requirements which an individual must meet in order to be eligible for the position held or desired.

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(r) Direct Threat means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

(1) The duration of the risk;

(2) The nature and severity of the potential harm;

(3) The likelihood that the potential harm will occur; and

(4) The imminence of the potential harm.

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Section 1630.2(r) Direct Threat

An employer may require, as a qualification standard, that an individual not pose a direct threat to the health or safety of himself/herself or others. Like any other qualification standard, such a standard must apply to all applicants or employees and not just to individuals with disabilities. If, however, an individual poses a direct threat as a result of a disability, the employer must determine whether a reasonable accommodation would either eliminate the risk or reduce it to an acceptable level. If no accommodation exists that would either eliminate or reduce the risk, the employer may refuse to hire an applicant or may discharge an employee who poses a direct threat.

An employer, however, is not permitted to deny an employment opportunity to an individual with a disability merely because of a slightly increased risk. The risk can only be considered when it poses a significant risk, i.e., high probability, of substantial harm; a speculative or remote risk is insufficient. See Senate Report at 27; House Labor Report at 56-57; House Judiciary Report at 45.

Determining whether an individual poses a significant risk of substantial harm to others must be made on a case by case basis. The employer should identify the specific risk posed by the individual. For individuals with mental or emotional disabilities, the employer must identify the specific behavior on the part of the individual that would pose the direct threat. For individuals with physical disabilities, the employer must identify the aspect of the disability that would pose the direct threat. The employer should then consider the four factors listed in part 1630:

(1) the duration of the risk;
(2) the nature and severity of the potential harm;
(3) the likelihood that the potential harm will occur; and
(4) the imminence of the potential harm.

Such consideration must rely on objective, factual evidence - - not on subjective perceptions, irrational fears, patronizing attitudes, or stereotypes - - about the nature or effect of a particular disability, or of disability generally. See Senate Report at 27; House Labor Report at 56-57; House Judiciary Report at 45-46. See also Strathie v. Department of Transportation, 716 F.2d 227 (3d Cir. 1983). Relevant evidence may include input from the individual with a disability, the experi-

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ence of the individual with a disability in previous similar positions, and opinions of medical doctors, rehabilitation counselors, or physical therapists who have expertise in the disability involved and/or direct knowledge of the individual with the disability.

An employer is also permitted to require that an individual not pose a direct threat of harm to his or her own safety or health. If performing the particular functions of a job would result in a high probability of substantial harm to the individual, the employer could reject or discharge the individual unless a reasonable accommodation that would not cause an undue hardship would avert the harm. For example, an employer would not be required to hire an individual, disabled by narcolepsy, who frequently and unexpectedly loses consciousness for a carpentry job the essential functions of which require the use of power saws and other dangerous equipment, where no accommodation exists that will reduce or eliminate the risk.

The assessment that there exists a high probability of substantial harm to the individual, like the assessment that there exists a high probability of substantial harm to others, must be strictly based on valid medical analyses and/or on other objective evidence. This determination must be based on individualized factual data, using the factors discussed above, rather than on stereotypic or patronizing assumptions and must consider potential reasonable accommodations. Generalized fears about risks from the employment environment, such as exacerbation of the disability caused by stress, cannot be used by an employer to disqualify an individual with a disability. For example, a law firm could not reject an applicant with a history of disabling mental illness based on a generalized fear that the stress of trying to make partner might trigger a relapse of the individual's mental illness. Nor can generalized fears about risks to individuals with disabilities in the event of an evacuation or other emergency be used by an employer to disqualify an individual with a disability. See Senate Report at 56; House Labor Report at 73-74; House Judiciary Report at 45. See also Mantolete v. Bolger, 767 F.2d 1416 (9th Cir. 1985); Bentivegna v. U.S. Department of Labor, 694 F.2d 619 (9th Cir. 1982).

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1630.3 Exceptions to the definitions of "Disability" and "Qualified Individual with a Disability."

(a) The terms disability and qualified individual with a disability do not include individuals currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(1) Drug means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C 812).

(2) Illegal use of drugs means the use of drugs the possession or distribution of which is unlawful under the Controlled Substances Act, as periodically updated by the Food and Drug Administration. This term does not include the use of a drug taken under the supervision of a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

(b) However, the terms "disability" and "qualified" individual with a disability may not exclude an individual who:

(1) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of drugs; or

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Section 1630.3 Exceptions to the Definitions of "Disability" and "Qualified Individual with a Disability"

Section 1630.3 (a) through (c) Illegal Use of Drugs

Part 1630 provides that an individual currently engaging in the illegal use of drugs is not an individual with a disability for purposes of this part when the employer or other covered entity acts on the basis of such use. Illegal use of drugs refers both to the use of unlawful drugs, such as cocaine, and to the unlawful use of prescription drugs.

Employers, for example, may discharge or deny employment to persons who illegally use drugs, on the basis of such use, without fear of being held liable for discrimination. The term "currently engaging" is not intended to be limited to the use of drugs on the day of, or within a matter of days or weeks before, the employment action in question. Rather, the provision is intended to apply to the illegal use of drugs that has occurred recently enough to indicate that the individual is actively engaged in such conduct. See Conference Report at 64.

Individuals who are erroneously perceived as engaging in the illegal use of drugs, but are not in fact illegally using drugs are not excluded from the definitions of the terms "disability" and "qualified individual with a disability." Individuals who are no longer illegally using drugs and who have either been rehabilitated successfully or are in the process of completing a rehabilitation program are, likewise, not excluded from the definitions of those terms. The term "rehabilitation program" refers to both in-patient and out-patient programs, as well as to appropriate employee assistance programs, professionally recognized self-help programs, such as Narcotics Anonymous, or other programs that provide professional (not necessarily medical) assistance and counseling for individuals who illegally use drugs. See Conference Report at 64: see also House Labor Report at 77; House Judiciary Report at 47.

It should be noted that this provision simply provides that certain individuals are not excluded from the definitions of "disability" and "qualified individual with a disability." Consequently, such individuals are still required to establish that they satisfy the requirements of these definitions in order to be protected by the ADA and this part. An individual erroneously regarded as illegally using drugs, for example, would have to show that he or she was regarded as a drug addict in order to

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(2) Is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(3) Is erroneously regarded as engaging in such use, but is not engaging in such use.

(c) It shall not be a violation of this part for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (b)(1) or (2) of this section is no longer engaging in the illegal use of drugs. (See section 1630.16(c) Drug testing).

(d) Disability does not include:

(1) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(2) Compulsive gambling, kleptomania, or pyromania; or

(3) Psychoactive substance use disorders resulting from current illegal use of drugs.

(e) Homosexuality and bisexuality are not impairments and so are not disabilities as defined in this part.

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demonstrate that he or she meets the definition of "disability" as defined in this part.

Employers are entitled to seek reasonable assurances that no illegal use of drugs is occurring or has occurred recently enough so that continuing use is a real and ongoing problem. The reasonable assurances that employers may ask applicants or employees to provide include evidence that the individual is participating in a drug treatment program and/or evidence, such as drug test results, to show that the individual is not currently engaging in the illegal use of drugs. An employer, such as a law enforcement agency, may also be able to impose a qualification standard that excludes individuals with a history of illegal use of drugs if it can show that the standard is job-related and consistent with business necessity. (See section 1630.10 Qualification Standards, Tests and Other Selection Criteria) See Conference Report at 64.

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1630.4 Discrimination prohibited.

It is unlawful for a covered entity to discriminate on the basis of disability against a qualified individual with a disability in regard to:

(a) Recruitment, advertising, and job application procedures;

(b) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(c) Rates of pay or any other form of compensation and changes in compensation;

(d) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(e) Leaves of absence, sick leave, or any other leave;

(f) Fringe benefits available by virtue of employment, whether or not administered by the covered entity;

(g) Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;

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Section 1630.4 Discrimination Prohibited

This provision prohibits discrimination against a qualified individual with a disability in all aspects of the employment relationship. The range of employment decisions covered by this nondiscrimination mandate is to be construed in a manner consistent with the regulations implementing Section 504 of the Rehabilitation Act of 1973.

Part 1630 is not intended to limit the ability of covered entities to choose and maintain a qualified workforce. Employers can continue to use job-related criteria to select qualified employees, and can continue to hire employees who can perform the essential functions of the job.

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(h) Activities sponsored by a covered entity including social and recreational programs; and

(i) Any other term, condition, or privilege of employment.

The term "discrimination" includes, but is not limited to, the acts described in sections 1630.5 through 1630.13 of this part.

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1630.5 Limiting, segregating, and classifying.

It is unlawful for a covered entity to limit, segregate, or classify a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability.

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Section 1630.5 Limiting, Segregating and Classifying

This provision and the several provisions that follow describe various specific forms of discrimination that are included within the general prohibition of section 1630.4. Covered entities are prohibited from restricting the employment opportunities of qualified individuals with disabilities on the basis of stereotypes and myths about the individual's disability. Rather, the capabilities of qualified individuals with disabilities must be determined on an individualized, case by case basis. Covered entities are also prohibited from segregating qualified employees with disabilities into separate work areas or into separate lines of advancement.

Thus, for example, it would be a violation of this part for an employer to limit the duties of an employee with a disability based on a presumption of what is best for an individual with such a disability, or on a presumption about the abilities of an individual with such a disability. It would be a violation of this part for an employer to adopt a separate track of job promotion or progression for employees with disabilities based on a presumption that employees with disabilities are uninterested in, or incapable of, performing particular jobs. Similarly, it would be a violation for an employer to assign or reassign (as a reasonable accommodation) employees with disabilities to one particular office or installation, or to require that employees with disabilities only use particular employer provided non-work facilities such as segregated break-rooms, lunch rooms, or lounges. It would also be a violation of this part to deny employment to an applicant or employee with a disability based on generalized fears about the safety of an individual with such a disability, or based on generalized assumptions about the absenteeism rate of an individual with such a disability.

In addition, it should also be noted that this part is intended to require that employees with disabilities be accorded equal access to whatever health insurance coverage the employer provides to other employees. This part does not, however, affect pre-existing condition clauses included in health insurance policies offered by employers. Consequently, employers may continue to offer policies that contain such clauses, even if they adversely affect individuals with disabilities, so long as the clauses are not used as a subterfuge to evade the purposes of this part.

So, for example, it would be permissible for an employer to

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offer an insurance policy that limits coverage for certain procedures or treatments to a specified number per year. Thus, if a health insurance plan provided coverage for five blood transfusions a year to all covered employees, it would not be discriminatory to offer this plan simply because a hemophiliac employee may require more than five blood transfusions annually. However, it would not be permissible to limit or deny the hemophiliac employee coverage for other procedures, such as heart surgery or the setting of a broken leg, even though the plan would not have to provide coverage for the additional blood transfusions that may be involved in these procedures. Likewise, limits may be placed on reimbursements for certain procedures or on the types of drugs or procedures covered (e.g. limits on the number of permitted X-rays or non-coverage of experimental drugs or procedures), but that limitation must be applied equally to individuals with and without disabilities. See Senate Report at 28-29; House Labor Report at 58-59; House Judiciary Report at 36.

Leave policies or benefit plans that are uniformly applied do not violate this part simply because they do not address the special needs of every individual with a disability. Thus, for example, an employer that reduces the number of paid sick leave days that it will provide to all employees, or reduces the amount of medical insurance coverage that it will provide to all employees, is not in violation of this part, even if the benefits reduction has an impact on employees with disabilities in need of greater sick leave and medical coverage. Benefits reductions adopted for discriminatory reasons are in violation of this part. See Alexander v. Choate, 469 U.S. 287 (1985). See Senate Report at 85; House Labor Report at 137. (See also, the discussion at section 1630.16(f) Health Insurance, Life Insurance, and Other Benefit Plans).

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1630.6 Contractual or other arrangements.

(a) In general. It is unlawful for a covered entity to participate in a contractual or other arrangement or relationship that has the effect of subjecting the covered entity's own qualified applicant or employee with a disability to the discrimination prohibited by this part.

(b) Contractual or other arrangement defined. The phrase "contractual or other arrangement or relationship" includes, but is not limited to, a relationship with an employment or referral agency; labor union, including collective bargaining agreements; an organization providing fringe benefits to an employee of the covered entity; or an organization providing training and apprenticeship programs.

(c) Application. This section applies to a covered entity, with respect to its own applicants or employees, whether the entity offered the contract or initiated the relationship, or whether the entity accepted the contract or acceded to the relationship. A covered entity is not liable for the actions of the other party or parties to the contract which only affect that other party's employees or applicants.

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Section 1630.6 Contractual or Other Arrangements

An employer or other covered entity may not do through a contractual or other relationship what it is prohibited from doing directly. This provision does not affect the determination of whether or not one is a "covered entity" or "employer" as defined in section 1630.2.

This provision only applies to situations where an employer or other covered entity has entered into a contractual relationship that has the effect of discriminating against its own employees or applicants with disabilities. Accordingly, it would be a violation for an employer to participate in a contractual relationship that results in discrimination against the employer's employees with disabilities in hiring, training, promotion, or in any other aspect of the employment relationship. This provision applies whether or not the employer or other covered entity intended for the contractual relationship to have the discriminatory effect.

Part 1630 notes that this provision applies to parties on either side of the contractual or other relationship. This is intended to highlight that an employer whose employees provide services to others, like an employer whose employees receive services, must ensure that those employees are not discriminated against on the basis of disability. For example, a copier company whose service representative is a dwarf could be required to provide a stepstool, as a reasonable accommodation, to enable him to perform the necessary repairs. However, the employer would not be required, as a reasonable accommodation, to make structural changes to its customer's inaccessible premises.

The existence of the contractual relationship adds no new obligations under part 1630. The employer, therefore, is not liable through the contractual arrangement for any discrimination by the contractor against the contractor's own employees or applicants, although the contractor, as an employer, may be liable for such discrimination.

An employer or other covered entity, on the other hand, cannot evade the obligations imposed by this part by engaging in a contractual or other relationship. For example, an employer cannot avoid its responsibility to make reasonable accommodation subject to the undue hardship limitation through a contractual arrangement. See Conference Report at 59; House Labor Report at 59-61; House Judiciary Report at 36-37.

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To illustrate, assume that an employer is seeking to contract with a company to provide training for its employees. Any responsibilities of reasonable accommodation applicable to the employer in providing the training remain with that employer even if it contracts with another company for this service. Thus, if the training company were planning to conduct the training at an inaccessible location, thereby making it impossible for an employee who uses a wheelchair to attend, the employer would have a duty to make reasonable accommodation unless to do so would impose an undue hardship. Under these circumstances, appropriate accommodations might include (1) having the training company identify accessible training sites and relocate the training program; (2) having the training company make the training site accessible; (3) directly making the training site accessible or providing the training company with the means by which to make the site accessible; (4) identifying and contracting with another training company that uses accessible sites; or (5) any other accommodation that would result in making the training available to the employee.

As another illustration, assume that instead of contracting with a training company, the employer contracts with a hotel to host a conference for its employees. The employer will have a duty to ascertain and ensure the accessibility of the hotel and its conference facilities. To fulfill this obligation the employer could, for example, inspect the hotel first-hand or ask a local disability group to inspect the hotel. Alternatively, the employer could ensure that the contract with the hotel specifies it will provide accessible guest rooms for those who need them and that all rooms to be used for the conference, including exhibit and meeting rooms, are accessible. If the hotel breaches this accessibility provision, the hotel may be liable to the employer, under a non-ADA breach of contract theory, for the cost of any accommodation needed to provide access to the hotel and conference, and for any other costs accrued by the employer. (In addition, the hotel may also be independently liable under title III of the ADA). However, this would not relieve the employer of its responsibility under this part nor shield it from charges of discrimination by its own employees. See House Labor Report at 40; House Judiciary Report at 37.

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1630.7 Standards, criteria, or methods of administration.

It is unlawful for a covered entity to use standards, criteria, or methods of administration, which are not job-related and consistent with business necessity, and:

(a) That have the effect of discriminating on the basis of disability; or

(b) That perpetuate the discrimination of others who are subject to common administrative control.

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1630.8 Relationship or association with an individual with a disability.

It is unlawful for a covered entity to exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social or other relationship or association.

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Section 1630.8 Relationship or Association with an Individual with a Disability

This provision is intended to protect any qualified individual, whether or not that individual has a disability, from discrimination because that person is known to have an association or relationship with an individual who has a known disability. This protection is not limited to those who have a familial relationship with an individual with a disability.

To illustrate the scope of this provision, assume that a qualified applicant without a disability applies for a job and discloses to the employer that his or her spouse has a disability. The employer thereupon declines to hire the applicant because the employer believes that the applicant would have to miss work or frequently leave work early in order to care for the spouse. Such a refusal to hire would be prohibited by this provision. Similarly, this provision would prohibit an employer from discharging an employee because the employee does volunteer work with people who have AIDS, and the employer fears that the employee may contract the disease.

This provision also applies to other benefits and privileges of employment. For example, an employer that provides health insurance benefits to its employees for their dependents may not reduce the level of those benefits to an employee simply because that employee has a dependent with a disability. This is true even if the provision of such benefits would result in increased health insurance costs for the employer.

It should be noted, however, that an employer need not provide the applicant or employee without a disability with a reasonable accommodation because that duty only applies to qualified applicants or employees with disabilities. Thus, for example, an employee would not be entitled to a modified work schedule as an accommodation to enable the employee to care for a spouse with a disability. See Senate Report at 30; House Labor Report at 61-62; House Judiciary Report at 38-39.

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1630.9 Not making reasonable accommodation.

(a) It is unlawful for a covered entity not to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

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Section 1630.9 Not Making Reasonable Accommodation

The obligation to make reasonable accommodation is a form of non-discrimination. It applies to all employment decisions and to the job application process. This obligation does not extend to the provision of adjustments or modifications that are primarily for the personal benefit of the individual with a disability. Thus, if an adjustment or modification is job-related, e.g., specifically assists the individual in performing the duties of a particular job, it will be considered a type of reasonable accommodation. On the other hand, if an adjustment or modification assists the individual throughout his or her daily activities, on and off the job, it will be considered a personal item that the employer is not required to provide. Accordingly, an employer would generally not be required to provide an employee with a disability with a prosthetic limb, wheelchair, or eyeglasses. Nor would an employer have to provide as an accommodation any amenity or convenience that is not job-related, such as a private hot plate, hot pot or refrigerator that is not provided to employees without disabilities. See Senate Report at 31; House Labor Report at 62.

It should be noted, however, that the provision of such items may be required as a reasonable accommodation where such items are specifically designed or required to meet job-related rather than personal needs. An employer, for example, may have to provide an individual with a disabling visual impairment with eyeglasses specifically designed to enable the individual to use the office computer monitors, but that are not otherwise needed by the individual outside of the office.

The term "supported employment," which has been applied to a wide variety of programs to assist individuals with severe disabilities in both competitive and non-competitive employment, is not synonymous with reasonable accommodation. Examples of supported employment include modified training materials, restructuring essential functions to enable an individual to perform a job, or hiring an outside professional ("job coach") to assist in job training. Whether a particular form of assistance would be required as a reasonable accommodation must be determined on an individualized, case by case basis without regard to whether that assistance is referred to as "supported employment." For example, an employer, under certain circumstances, may be required to provide modified training materials or a temporary "job coach" to assist in the training of a qualified individual with a disability as a reasonable accommodation. However, an employer would not be

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required to restructure the essential functions of a position to fit the skills of an individual with a disability who is not otherwise qualified to perform the position, as is done in certain supported employment programs. See 34 CFR part 363. It should be noted that it would not be a violation of this part for an employer to provide any of these personal modifications or adjustments, or to engage in supported employment or similar rehabilitative programs.

The obligation to make reasonable accommodation applies to all services and programs provided in connection with employment, and to all non-work facilities provided or maintained by an employer for use by its employees. Accordingly, the obligation to accommodate is applicable to employer sponsored placement or counseling services, and to employer provided cafeterias, lounges, gymnasiums, auditoriums, transportation and the like.

The reasonable accommodation requirement is best understood as a means by which barriers to the equal employment opportunity of an individual with a disability are removed or alleviated. These barriers may, for example, be physical or structural obstacles that inhibit or prevent the access of an individual with a disability to job sites, facilities or equipment. Or they may be rigid work schedules that permit no flexibility as to when work is performed or when breaks may be taken, or inflexible job procedures that unduly limit the modes of communication that are used on the job, or the way in which particular tasks are accomplished.

The term "otherwise qualified" is intended to make clear that the obligation to make reasonable accommodation is owed only to an individual with a disability who is qualified within the meaning of section 1630.2(m) in that he or she satisfies all the skill, experience, education and other job-related selection criteria. An individual with a disability is "otherwise qualified," in other words, if he or she is qualified for a job, except that, because of the disability, he or she needs a reasonable accommodation to be able to perform the job's essential functions.

For example, if a law firm requires that all incoming lawyers have graduated from an accredited law school and have passed the bar examination, the law firm need not provide an accommodation to an individual with a visual impairment who has not met these selection criteria. That individual is not entitled to a reasonable accommodation because the individual is not "otherwise qualified" for the position.

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On the other hand, if the individual has graduated from an accredited law school and passed the bar examination, the individual would be "otherwise qualified." The law firm would thus be required to provide a reasonable accommodation, such as a machine that magnifies print, to enable the individual to perform the essential functions of the attorney position, unless the necessary accommodation would impose an undue hardship on the law firm. See Senate Report at 33-34; House Labor Report at 64-65.

The reasonable accommodation that is required by this part should provide the qualified individual with a disability with an equal employment opportunity. Equal employment opportunity means an opportunity to attain the same level of performance, or to enjoy the same level of benefits and privileges of employment as are available to the average similarly situated employee without a disability. Thus, for example, an accommodation made to assist an employee with a disability in the performance of his or her job must be adequate to enable the individual to perform the essential functions of the relevant position. The accommodation, however, does not have to be the "best" accommodation possible, so long as it is sufficient to meet the job-related needs of the individual being accommodated. Accordingly, an employer would not have to provide an employee disabled by a back impairment with a state-of-the art mechanical lifting device if it provided the employee with a less expensive or more readily available device that enabled the employee to perform the essential functions of the job. See Senate Report at 35; House Labor Report at 66; see also Carter v. Bennett, 840 F.2d 63 (D.C. Cir. 1988).

Employers are obligated to make reasonable accommodation only to the physical or mental limitations resulting from the disability of a qualified individual with a disability that are known to the employer. Thus, an employer would not be expected to accommodate disabilities of which it is unaware. If an employee with a known disability is having difficulty performing his or her job, an employer may inquire whether the employee is in need of a reasonable accommodation. In general, however, it is the responsibility of the individual with a disability to inform the employer that an accommodation is needed. When the need for an accommodation is not obvious, an employer, before providing a reasonable accommodation, may require that the individual with a disability provide documentation of the need for accommodation. See Senate Report at 34; House Labor Report at 65.

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Process of Determining the Appropriate Reasonable Accommodation

Once a qualified individual with a disability has requested provision of a reasonable accommodation, the employer must make a reasonable effort to determine the appropriate accommodation. The appropriate reasonable accommodation is best determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability. Although this process is described below in terms of accommodations that enable the individual with a disability to perform the essential functions of the position held or desired, it is equally applicable to accommodations involving the job application process, and to accommodations that enable the individual with a disability to enjoy equal benefits and privileges of employment. See Senate Report at 34-35; House Labor Report at 65-67.

When a qualified individual with a disability has requested a reasonable accommodation to assist in the performance of a job, the employer, using a problem solving approach, should:

(1) analyze the particular job involved and determine its purpose and essential functions;

(2) consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;

(3) in consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and

(4) consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the employer.

In many instances, the appropriate reasonable accommodation may be so obvious to either or both the employer and the qualified individual with a disability that it may not be necessary to proceed in this step-by-step fashion. For example, if an employee who uses a wheelchair requests that his or her desk be placed on blocks to elevate the desktop above the arms of the wheelchair and the employer complies, an appropriate

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accommodation has been requested, identified, and provided without either the employee or employer being aware of having engaged in any sort of "reasonable accommodation process."

However, in some instances neither the individual requesting the accommodation nor the employer can readily identify the appropriate accommodation. For example, the individual needing the accommodation may not know enough about the equipment used by the employer or the exact nature of the work site to suggest an appropriate accommodation. Likewise, the employer may not know enough about the individual's disability or the limitations that disability would impose on the performance of the job to suggest an appropriate accommodation. Under such circumstances, it may be necessary for the employer to initiate a more defined problem solving process, such as the step-by-step process described above, as part of its reasonable effort to identify the appropriate reasonable accommodation.

This process requires the individual assessment of both the particular job at issue, and the specific physical or mental limitations of the particular individual in need of reasonable accommodation. With regard to assessment of the job, "individual assessment" means analyzing the actual job duties and determining the true purpose or object of the job. Such an assessment is necessary to ascertain which job functions are the essential functions that an accommodation must enable an individual with a disability to perform.

After assessing the relevant job, the employer, in consultation with the individual requesting the accommodation, should make an assessment of the specific limitations imposed by the disability on the individual's performance of the job's essential functions. This assessment will make it possible to ascertain the precise barrier to the employment opportunity which, in turn, will make it possible to determine the accommodation(s) that could alleviate or remove that barrier.

If consultation with the individual in need of the accommodation still does not reveal potential appropriate accommodations, then the employer, as part of this process, may find that technical assistance is helpful in determining how to accommodate the particular individual in the specific situation. Such assistance could be sought from the Commission, from state or local rehabilitation agencies, or from disability constituent organizations. It should be noted, however, that, as provided in section 1630.9(c) of this part, the failure to obtain or receive technical assistance from the federal agencies that administer the ADA will not excuse

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(b) It is unlawful for a covered entity to deny employment opportunities to an otherwise qualified job applicant or employee with a disability based on the need of such covered entity to make reasonable accommodation to such individual's physical or mental impairments.

(c) A covered entity shall not be excused from the requirements of this part because of any failure to receive technical assistance authorized by section 506 of the ADA, including any failure in the development or dissemination of any technical assistance manual authorized by that Act.

(d) A qualified individual with a disability is not required to accept an accommodation, aid, service, opportunity or benefit which such qualified individual chooses not to accept. However, if such individual rejects a reasonable accommodation, aid, service, opportunity or benefit that is necessary to enable the individual to perform the essential functions of the position held or desired, and cannot, as a result of that rejection, perform the essential functions of the position, the individual will not be considered a qualified individual with a disability.

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the employer from its reasonable accommodation obligation. Once potential accommodations have been identified, the employer should assess the effectiveness of each potential accommodation in assisting the individual in need of the accommodation in the performance of the essential functions of the position. If more than one of these accommodations will enable the individual to perform the essential functions or if the individual would prefer to provide his or her own accommodation, the preference of the individual with a disability should be given primary consideration. However, the employer providing the accommodation has the ultimate discretion to choose between effective accommodations, and may choose the less expensive accommodation or the accommodation that is easier for it to provide. It should also be noted that the individual's willingness to provide his or her own accommodation does not relieve the employer of the duty to provide the accommodation should the individual for any reason be unable or unwilling to continue to provide the accommodation.

Reasonable Accommodation Process Illustrated

The following example illustrates the informal reasonable accommodation process. Suppose a Sack Handler position requires that the employee pick up fifty pound sacks and carry them from the company loading dock to the storage room, and that a sack handler who is disabled by a back impairment requests a reasonable accommodation. Upon receiving the request, the employer analyzes the Sack Handler job and determines that the essential function and purpose of the job is not the requirement that the job holder physically lift and carry the sacks, but the requirement that the job holder cause the sack to move from the loading dock to the storage room.

The employer then meets with the sack handler to ascertain precisely the barrier posed by the individual's specific disability to the performance of the job's essential function of relocating the sacks. At this meeting the employer learns that the individual can, in fact, lift the sacks to waist level, but is prevented by his or her disability from carrying the sacks from the loading dock to the storage room. The employer and the individual agree that any of a number of potential accommodations, such as the provision of a dolly, hand truck, or cart, could enable the individual to transport the sacks that he or she has lifted.

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Upon further consideration, however, it is determined that the provision of a cart is not a feasible effective option. No carts are currently available at the company, and those that can be purchased by the company are the wrong shape to hold many of the bulky and irregularly shaped sacks that must be moved. Both the dolly and the hand truck, on the other hand, appear to be effective options. Both are readily available to the company, and either will enable the individual to relocate the sacks that he or she has lifted. The sack handler indicates his or her preference for the dolly. In consideration of this expressed preference, and because the employer feels that the dolly will allow the individual to move more sacks at a time and so be more efficient than would a hand truck, the employer ultimately provides the sack handler with a dolly in fulfillment of the obligation to make reasonable accommodation.

Section 1630.9(b).

This provision states that an employer or other covered entity cannot prefer or select a qualified individual without a disability over an equally qualified individual with a disability merely because the individual with a disability will require a reasonable accommodation. In other words, an individual's need for an accommodation cannot enter into the employer's or other covered entity's decision regarding hiring, discharge, promotion, or other similar employment decisions, unless the accommodation would impose an undue hardship on the employer. See House Labor Report at 70.

Section 1630.9(d).

The purpose of this provision is to clarify that an employer or other covered entity may not compel a qualified individual with a disability to accept an accommodation, where that accommodation is neither requested nor needed by the individual. However, if a necessary reasonable accommodation is refused, the individual may not be considered qualified. For example, an individual with a visual impairment that restricts his or her field of vision but who is able to read unaided would not be required to accept a reader as an accommodation. However, if the individual were not able to read unaided and reading was an essential function of the job, the individual would not be qualified for the job if he or she refused a reasonable accommodation that would enable him or her to read. See Senate Report at 34; House Labor Report at 65; House Judiciary Report at 71-72.

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1630.10 Qualification standards, tests, and other selection criteria.

It is unlawful for a covered entity to use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity.

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Section 1630.10 Qualification Standards, Tests, and Other Selection Criteria

The purpose of this provision is to ensure that individuals with disabilities are not excluded from job opportunities unless they are actually unable to do the job. It is to ensure that there is a fit between job criteria and an applicant's (or employee's) actual ability to do the job. Accordingly, job criteria that even unintentionally screen out, or tend to screen out, an individual with a disability or a class of individuals with disabilities because of their disability may not be used unless the employer demonstrates that that criteria, as used by the employer, are job-related to the position to which they are being applied and are consistent with business necessity. The concept of "business necessity" has the same meaning as the concept of "business necessity" under Section 504 of the Rehabilitation Act of 1973.

Selection criteria that exclude, or tend to exclude, an individual with a disability or a class of individuals with disabilities because of their disability but do not concern an essential function of the job would not be consistent with business necessity.

The use of selection criteria that are related to an essential function of the job may be consistent with business necessity. However, selection criteria that are related to an essential function of the job may not be used to exclude an individual with a disability if that individual could satisfy the criteria with the provision of a reasonable accommodation. Experience under a similar provision of the regulations implementing Section 504 of the Rehabilitation Act indicates that challenges to selection criteria are, in fact, most often resolved by reasonable accommodation. It is therefore anticipated that challenges to selection criteria brought under this part will generally be resolved in a like manner.

This provision is applicable to all types of selection criteria, including safety requirements, vision or hearing requirements, walking requirements, lifting requirements, and employment tests. See Senate Report at 37-39; House Labor Report at 70-72; House Judiciary Report at 42. As previously noted, however, it is not the intent of this part to second guess an employer's business judgment with regard to production standards. (See section 1630.2(n) Essential Functions). Consequently, production standards will generally not be subject to a challenge under this provision.

The Uniform Guidelines on Employee Selection Procedures (UGESP) 29 CFR part 1607 do not apply to the Rehabilitation Act and are similarly inapplicable to this part.

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1630.11 Administration of tests.

It is unlawful for a covered entity to fail to select and administer tests concerning employment in the most effective manner to ensure that, when a test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude, or whatever other factor of the applicant or employee that the test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

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Section 1630.11 Administration of Tests

The intent of this provision is to further emphasize that individuals with disabilities are not to be excluded from jobs that they can actually perform merely because a disability prevents them from taking a test, or negatively influences the results of a test, that is a prerequisite to the job. Read together with the reasonable accommodation requirement of section 1630.9, this provision requires that employment tests be administered to eligible applicants or employees with disabilities that impair sensory, manual, or speaking skills in formats that do not require the use of the impaired skill.

The employer or other covered entity is, generally, only required to provide such reasonable accommodation if it knows, prior to the administration of the test, that the individual is disabled and that the disability impairs sensory, manual or speaking skills. Thus, for example, it would be unlawful to administer a written employment test to an individual who has informed the employer, prior to the administration of the test, that he is disabled with dyslexia and unable to read. In such a case, as a reasonable accommodation and in accordance with this provision, an alternative oral test should be administered to that individual. By the same token, a written test may need to be substituted for an oral test if the applicant taking the test is an individual with a disability that impairs speaking skills or impairs the processing of auditory information.

Occasionally, an individual with a disability may not realize, prior to the administration of a test, that he or she will need an accommodation to take that particular test. In such a situation, the individual with a disability, upon becoming aware of the need for an accommodation, must so inform the employer or other covered entity. For example, suppose an individual with a disabling visual impairment does not request an accommodation for a written examination because he or she is usually able to take written tests with the aid of his or her own specially designed lens. If, when the test is distributed, the individual with a disability discovers that the lens is insufficient to distinguish the words of the test because of the unusually low color contrast between the paper and the ink, the individual would be entitled, at that point, to request an accommodation. The employer or other covered entity would, thereupon, have to provide a test with higher contrast, schedule a retest, or provide any other effective accommodation unless to do so would impose an undue hardship.

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Other alternative or accessible test modes or formats include the administration of tests in large print or braille, or via a reader or sign interpreter. Where it is not possible to test in an alternative format, the employer may be required, as a reasonable accommodation, to evaluate the skill to be tested in another manner (*e.g.*, through an interview, or through education, license, or work experience requirements). An employer may also be required, as a reasonable accommodation, to allow more time to complete the test. In addition, the employer's obligation to make reasonable accommodation extends to ensuring that the test site is accessible. (See section 1630.9 Not Making Reasonable Accommodation) *See* Senate Report at 37-38; House Labor Report at 70-72; House Judiciary Report at 42; *see also* *Stutts v. Freeman*, 694 F.2d 666 (11th Cir. 1983); *Crane v. Dole*, 617 F. Supp. 156 (D.D.C. 1985).

This provision does not require that an employer offer every applicant his or her choice of test format. Rather, this provision only requires that an employer provide, upon advance request, alternative, accessible tests to individuals with disabilities that impair sensory, manual, or speaking skills needed to take the test.

This provision does not apply to employment tests that require the use of sensory, manual, or speaking skills where the tests are intended to measure those skills. Thus, an employer could require that an applicant with dyslexia take a written test for a particular position if the ability to read is the skill the test is designed to measure. Similarly, an employer could require that an applicant complete a test within established time frames if speed were one of the skills for which the applicant was being tested. However, the results of such a test could not be used to exclude an individual with a disability unless the skill was necessary to perform an essential function of the position and no reasonable accommodation was available to enable the individual to perform that function, or the necessary accommodation would impose an undue hardship.

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1630.12 Retaliation and coercion.

(a) Retaliation. It is unlawful to discriminate against any individual because that individual has opposed any act or practice made unlawful by this part or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision contained in this part.

(b) Coercion, interference or intimidation. It is unlawful to coerce, intimidate, threaten, harass or interfere with any individual in the exercise or enjoyment of, or because that individual aided or encouraged any other individual in the exercise of, any right granted or protected by this part.

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1630.13 Prohibited medical examinations and inquiries.

(a) Pre-employment examination or inquiry. Except as permitted by section 1630.14, it is unlawful for a covered entity to conduct a medical examination of an applicant or to make inquiries as to whether an applicant is an individual with a disability or as to the nature or severity of such disability.

(b) Examination or inquiry of employees. Except as permitted by section 1630.14, it is unlawful for a covered entity to require a medical examination of an employee or to make inquiries as to whether an employee is an individual with a disability or as to the nature or severity of such disability.

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Section 1630.13 Prohibited Medical Examinations and Inquiries

Section 1630.13(a) Pre-employment Examination or Inquiry

This provision makes clear that an employer cannot inquire as to whether an individual has a disability at the pre-offer stage of the selection process. Nor can an employer inquire at the pre-offer stage about an applicant's workers' compensation history.

Employers may ask questions that relate to the applicant's ability to perform job-related functions. However, these questions should not be phrased in terms of disability. An employer, for example, may ask whether the applicant has a driver's license, if driving is a job function, but may not ask whether the applicant has a visual disability. Employers may ask about an applicant's ability to perform both essential and marginal job functions. Employers, though, may not refuse to hire an applicant with a disability because the applicant's disability prevents him or her from performing marginal functions. See Senate Report at 39; House Labor Report at 72-73; House Judiciary Report at 42-43.

Section 1630.13(b) Examination or Inquiry of Employees

The purpose of this provision is to prevent the administration to employees of medical tests or inquiries that do not serve a legitimate business purpose. For example, if an employee suddenly starts to use increased amounts of sick leave or starts to appear sickly, an employer could not require that employee to be tested for AIDS, HIV infection, or cancer unless the employer can demonstrate that such testing is job-related and consistent with business necessity. See Senate Report at 39; House Labor Report at 75; House Judiciary Report at 44.

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1630.14 Medical examinations and inquiries specifically permitted.

(a) Acceptable pre-employment inquiry. A covered entity may make pre-employment inquiries into the ability of an applicant to perform job-related functions, and/or may ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions.

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Section 1630.14 Medical Examinations and Inquiries Specifically Permitted

Section 1630.14(a) Pre-employment Inquiry

Employers are permitted to make pre-employment inquiries into the ability of an applicant to perform job-related functions. This inquiry must be narrowly tailored. The employer may describe or demonstrate the job function and inquire whether or not the applicant can perform that function with or without reasonable accommodation. For example, an employer may explain that the job requires assembling small parts and ask if the individual will be able to perform that function, with or without reasonable accommodation. See Senate Report at 39; House Labor Report at 73; House Judiciary Report at 43.

An employer may also ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions. Such a request may be made of all applicants in the same job category regardless of disability. Such a request may also be made of an applicant whose known disability may interfere with or prevent the performance of a job-related function, whether or not the employer routinely makes such a request of all applicants in the job category. For example, an employer may ask an individual with one leg who applies for a position as a home washing machine repairman to demonstrate or to explain how, with or without reasonable accommodation, he would be able to transport himself and his tools down basement stairs. However, the employer may not inquire as to the nature or severity of the disability. Therefore, for example, the employer cannot ask how the individual lost the leg or whether the loss of the leg is indicative of an underlying impairment.

On the other hand, if the known disability of an applicant will not interfere with or prevent the performance of a job-related function, the employer may only request a description or demonstration by the applicant if it routinely makes such a request of all applicants in the same job category. So, for example, it would not be permitted for an employer to request that an applicant with one leg demonstrate his ability to assemble small parts while seated at a table, if the employer does not routinely request that all applicants provide such a demonstration.

An employer that requires an applicant with a disability to demonstrate how he or she will perform a job-related function

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must either provide the reasonable accommodation the applicant needs to perform the function or permit the applicant to explain how, with the accommodation, he or she will perform the function. If the job-related function is not an essential function, the employer may not exclude the applicant with a disability because of the applicant's inability to perform that function. Rather, the employer must, as a reasonable accommodation, either provide an accommodation that will enable the individual to perform the function, transfer the function to another position, or exchange the function for one the applicant is able to perform.

An employer may not use an application form that lists a number of potentially disabling impairments and ask the applicant to check any of the impairments he or she may have. In addition, as noted above, an employer may not ask how a particular individual became disabled or the prognosis of the individual's disability. The employer is also prohibited from asking how often the individual will require leave for treatment or use leave as a result of incapacitation because of the disability. However, the employer may state the attendance requirements of the job and inquire whether the applicant can meet them.

An employer is permitted to ask, on a test announcement or application form, that individuals with disabilities who will require a reasonable accommodation in order to take the test so inform the employer within a reasonable established time period prior to the administration of the test. The employer may also request that documentation of the need for the accommodation accompany the request. Requested accommodations may include accessible testing sites, modified testing conditions and accessible test formats. (See section 1630.11 Administration of Tests).

Physical agility tests are not medical examinations and so may be given at any point in the application or employment process. Such tests must be given to all similarly situated applicants or employees regardless of disability. If such tests screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, the employer would have to demonstrate that the test is job-related and consistent with business necessity and that performance cannot be achieved with reasonable accommodation. (See section 1630.9 Not Making Reasonable Accommodation: Process of Determining the Appropriate Reasonable Accommodation).

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(b) Employment entrance examination. A covered entity may require a medical examination (and/or inquiry) after making an offer of employment to a job applicant and before the applicant begins his or her employment duties, and may condition an offer of employment on the results of such examination (and/or inquiry), if all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

(1) Information obtained under paragraph (b) of this section regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require

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As previously noted, collecting information and inviting individuals to identify themselves as individuals with disabilities as required to satisfy the affirmative action requirements of Section 503 of the Rehabilitation Act is not restricted by this part. (See section 1630.1(b) and (c) Applicability and Construction).

Section 1630.14(b) Employment Entrance Examination

An employer is permitted to require post-offer medical examinations before the employee actually starts working. The employer may condition the offer of employment on the results of the examination, provided that all entering employees in the same job category are subjected to such an examination, regardless of disability, and that the confidentiality requirements specified in this part are met.

This provision recognizes that in many industries, such as air transportation or construction, applicants for certain positions are chosen on the basis of many factors including physical and psychological criteria, some of which may be identified as a result of post-offer medical examinations given prior to entry on duty. Only those employees who meet the employer's physical and psychological criteria for the job, with or without reasonable accommodation, will be qualified to receive confirmed offers of employment and begin working.

Medical examinations permitted by this section are not required to be job-related and consistent with business necessity. However, if an employer withdraws an offer of employment because the medical examination reveals that the employee does not satisfy certain employment criteria, either the exclusionary criteria must not screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, or they must be job-related and consistent with business necessity. As part of the showing that an exclusionary criteria is job-related and consistent with business necessity, the employer must also demonstrate that there is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job. See Conference Report at 59-60; Senate Report at 39; House Labor Report at 73-74; House Judiciary Report at 43.

As an example, suppose an employer makes a conditional offer of employment to an applicant, and it is an essential function of the job that the incumbent be available to work every day for the next three months. An employment entrance

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emergency treatment; and

(iii) Government officials investigating compliance with this part shall be provided relevant information on request.

(2) The results of such examination shall not be used for any purpose inconsistent with this part.

(3) Medical examinations conducted in accordance with this section do not have to be job-related and consistent with business necessity. However, if certain criteria are used to screen out an employee or employees with disabilities as a result of such an examination or inquiry, the exclusionary criteria must be job-related and consistent with business necessity, and performance of the essential job functions cannot be accomplished with reasonable accommodation as required in this part. (See section 1630.15(b) Defenses to charges of discriminatory application of selection criteria).

(c) Examination of employees. A covered entity may require a medical examination (and/or inquiry) of an employee that is job-related and consistent with business necessity. A covered entity may make inquiries into the ability of an employee to perform job-related functions.

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examination then reveals that the applicant has a disabling impairment that, according to reasonable medical judgment that relies on the most current medical knowledge, will require treatment that will render the applicant unable to work for a portion of the three month period. Under these circumstances, the employer would be able to withdraw the employment offer without violating this part.

The information obtained in the course of a permitted entrance examination or inquiry is to be treated as a confidential medical record and may only be used in a manner not inconsistent with this part. State workers' compensation laws are not preempted by the ADA or this part. These laws require the collection of information from individuals for state administrative purposes that do not conflict with the ADA or this part. Consequently, employers or other covered entities may submit information to state workers' compensation offices or second injury funds in accordance with state workers' compensation laws without violating this part.

Consistent with this section and with section 1630.16(f) of this part, information obtained in the course of a permitted entrance examination or inquiry may be used for insurance purposes described in section 1630.16(f).

Section 1630.14(c) Examination of employees

This provision permits employers to make inquiries or require medical examinations (fitness for duty exams) when there is a need to determine whether an employee is still able to perform the essential functions of his or her job. The provision permits employers or other covered entities to make inquiries or require medical examinations necessary to the reasonable accommodation process described in this part. This provision also permits periodic physicals to determine fitness for duty or other medical monitoring if such physicals or monitoring are

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(1) Information obtained under paragraph (c) of this section regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials investigating compliance with this part shall be provided relevant information on request.

(2) Information obtained under paragraph (c) of this section regarding the medical condition or history of any employee shall not be used for any purpose inconsistent with this part.

(d) Other acceptable examinations and inquiries. A covered entity may conduct voluntary medical examinations and activities, including voluntary medical histories, which are part of an employee health program

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required by medical standards or requirements established by Federal, state, or local law that are consistent with the ADA and this part (or in the case of a federal standard, with Section 504 of the Rehabilitation Act) in that they are job-related and consistent with business necessity.

Such standards may include federal safety regulations that regulate bus and truck driver qualifications, as well as laws establishing medical requirements for pilots or other air transportation personnel. These standards also include health standards promulgated pursuant to the Occupational Safety and Health Act of 1970, the Federal Coal Mine Health and Safety Act of 1969, or other similar statutes that require that employees exposed to certain toxic and hazardous substances be medically monitored at specific intervals. See House Labor Report at 74-75.

The information obtained in the course of such examination or inquiries is to be treated as a confidential medical record and may only be used in a manner not inconsistent with this part.

Section 1630.14(d) Other Acceptable Examinations and Inquiries

Part 1630 permits voluntary medical examinations, including voluntary medical histories, as part of employee health programs. These programs often include, for example, medical screening for high blood pressure, weight control counseling, and cancer detection. Voluntary activities, such as blood pressure monitoring and the administering of prescription

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available to employees at the work site.

(1) Information obtained under paragraph (d) of this section regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials investigating compliance with this part shall be provided relevant information on request.

(2) Information obtained under paragraph (d) of this section regarding the medical condition or history of any employee shall not be used for any purpose inconsistent with this part.

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drugs, such as insulin, are also permitted. It should be noted, however, that the medical records developed in the course of such activities must be maintained in the confidential manner required by this part and must not be used for any purpose in violation of this part, such as limiting health insurance eligibility. House Labor Report at 75; House Judiciary Report at 43-44.

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1630.15 Defenses.

Defenses to an allegation of discrimination under this part may include, but are not limited to, the following:

(a)Disparate treatment charges. It may be a defense to a charge of disparate treatment brought under sections 1630.4 through 1630.8 and 1630.11 through 1630.12 that the challenged action is justified by a legitimate, nondiscriminatory reason.

(b) Charges of discriminatory application of selection criteria. -- (1) In general. It may be a defense to a charge of discrimination, as described in section 1630.10, that an alleged application of

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Section 1630.15 Defenses

The section on defenses in part 1630 is not intended to be exhaustive. However, it is intended to inform employers of some of the potential defenses available to a charge of discrimination under the ADA and this part.

Section 1630.15(a) Disparate Treatment Defenses

The "traditional" defense to a charge of disparate treatment under title VII, as expressed in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), Texas Department of Community Affairs v. Burdine, 450 U.S. 248 (1981), and their progeny, may be applicable to charges of disparate treatment brought under the ADA. See Prewitt v. U.S. Postal Service, 662 F.2d 292 (5th Cir. 1981). Disparate treatment means, with respect to title I of the ADA, that an individual was treated differently on the basis of his or her disability. For example, disparate treatment has occurred where an employer excludes an employee with a severe facial disfigurement from staff meetings because the employer does not like to look at the employee. The individual is being treated differently because of the employer's attitude towards his or her perceived disability. Disparate treatment has also occurred where an employer has a policy of not hiring individuals with AIDS regardless of the individuals' qualifications.

The crux of the defense to this type of charge is that the individual was treated differently not because of his or her disability but for a legitimate nondiscriminatory reason such as poor performance unrelated to the individual's disability. The fact that the individual's disability is not covered by the employer's current insurance plan or would cause the employer's insurance premiums or workers' compensation costs to increase, would not be a legitimate nondiscriminatory reason justifying disparate treatment of a individual with a disability. Senate Report at 85; House Labor Report at 136 and House Judiciary Report at 70. The defense of a legitimate nondiscriminatory reason is rebutted if the alleged nondiscriminatory reason is shown to be pretextual.

Section 1630.15(b) and (c) Disparate Impact Defenses

Disparate impact means, with respect to title I of the ADA and this part, that uniformly applied criteria have an adverse impact on an individual with a disability or a disproportionately negative impact on a class of individuals with disabilities. Section 1630.15(b) clarifies that an employer may use selection criteria that have such a disparate impact, i.e., tha

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qualification standards, tests, or selection criteria that screens out or tends to screen out or otherwise denies a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished with reasonable accommodation, as required in this part.

(2) Direct threat as a qualification standard. The term "qualification standard" may include a requirement that an individual shall not pose a direct threat to the health or safety of the individual or others in the workplace. (See section 1630.2(r) defining direct threat).

(c) Other disparate impact charges. It may be a defense to a charge of discrimination brought under this part that a uniformly applied standard, criterion, or policy has a disparate impact on an individual with a disability or a class of individuals with disabilities that the challenged standard, criterion or policy has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished with reasonable accommodation, as required in this part.

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screen out or tend to screen out an individual with a disability or a class of individuals with disabilities only when they are job-related and consistent with business necessity.

For example, an employer interviews two candidates for a position, one of whom is blind. Both are equally qualified. The employer decides that while it is not essential to the job it would be convenient to have an employee who has a driver's license and so could occasionally be asked to run errands by car. The employer hires the individual who is sighted because this individual has a driver's license. This is an example of a uniformly applied criterion, having a driver's permit, that screens out an individual who has a disability that makes it impossible to obtain a driver's permit. The employer would, thus, have to show that this criterion is job-related and consistent with business necessity. See House Labor Report at 55.

However, even if the criterion is job-related and consistent with business necessity, an employer could not exclude an individual with a disability if the criterion could be met or job performance accomplished with a reasonable accommodation. For example, suppose an employer requires, as part of its application process, an interview that is job-related and consistent with business necessity. The employer would not be able to refuse to hire a hearing impaired applicant because he or she could not be interviewed. This is so because an interpreter could be provided as a reasonable accommodation that would allow the individual to be interviewed, and thus satisfy the selection criterion.

With regard to safety requirements that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, an employer must demonstrate that the requirement, as applied to the individual, satisfies the "direct threat" standard in section 1630.2(r) in order to show that the requirement is job related and consistent with business necessity.

Section 1630.15(c) clarifies that there may be uniformly applied standards, criteria and policies not relating to selection that may also screen out or tend to screen out an individual with a disability or a class of individuals with disabilities. Like selection criteria that have a disparate impact, non-selection criteria having such an impact may also have to be job-related and consistent with business necessity, subject to consideration of reasonable accommodation.

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(d) Charges of not making reasonable accommodation. It may be a defense to a charge of discrimination, as described in section 1630.9, that a requested or necessary accommodation would impose an undue hardship on the operation of the covered entity's business.

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It should be noted, however, that some uniformly applied employment policies or practices, such as leave policies, are not subject to challenge under the adverse impact theory. "No-leave" policies (e.g., no leave during the first six months of employment) are likewise not subject to challenge under the adverse impact theory. However, an employer, in spite of its "no-leave" policy, may, in appropriate circumstances, have to consider the provision of leave to an employee with a disability as a reasonable accommodation, unless the provision of leave would impose an undue hardship. See discussion at section 1630.5 Limiting, Segregating and Classifying, and section 1630.10 Qualification Standards, Tests, and Other Selection Criteria.

Section 1630.15(d) Defense to Not Making Reasonable Accommodation

An employer or other covered entity alleged to have discriminated because it did not make a reasonable accommodation, as required by this part, may offer as a defense that it would have been an undue hardship to make the accommodation.

It should be noted, however, that an employer cannot simply assert that a needed accommodation will cause it undue hardship, as defined in section 1630.2(p), and thereupon be relieved of the duty to provide accommodation. Rather, an employer will have to present evidence and demonstrate that the accommodation will, in fact, cause it undue hardship. Whether a particular accommodation will impose an undue hardship for a particular employer is determined on a case by case basis. Consequently, an accommodation that poses an undue hardship for one employer at a particular time may not pose an undue hardship for another employer, or even for the same employer at another time. Likewise, an accommodation that poses an undue hardship for one employer in a particular job setting, such as a temporary construction worksite, may not pose an undue hardship for another employer, or even for the same employer at a permanent worksite. See House Judiciary Report at 42.

The concept of undue hardship that has evolved under Section 504 of the Rehabilitation Act and is embodied in this part is unlike the "undue hardship" defense associated with the provision of religious accommodation under title VII of the Civil Rights Act of 1964. To demonstrate undue hardship pursuant to the ADA and this part, an employer must show substantially more difficulty or expense than would be needed

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to satisfy the "de minimis" title VII standard of undue hardship. For example, to demonstrate that the cost of an accommodation poses an undue hardship, an employer would have to show that the cost is undue as compared to the employer's budget. Simply comparing the cost of the accommodation to the salary of the individual with a disability in need of the accommodation will not suffice. Moreover, even if it is determined that the cost of an accommodation would unduly burden an employer, the employer cannot avoid making the accommodation if the individual with a disability can arrange to cover that portion of the cost that rises to the undue hardship level, or can otherwise arrange to provide the accommodation. Under such circumstances, the necessary accommodation would no longer pose an undue hardship. See Senate Report at 36; House Labor Report at 68-69; House Judiciary Report at 40-41.

Excessive cost is only one of several possible bases upon which an employer might be able to demonstrate undue hardship. Alternatively, for example, an employer could demonstrate that the provision of a particular accommodation would be unduly disruptive to its other employees or to the functioning of its business. The terms of a collective bargaining agreement may be relevant to this determination. By way of illustration, an employer would likely be able to show undue hardship if the employer could show that the requested accommodation of the upward adjustment of the business' thermostat would result in it becoming unduly hot for its other employees, or for its patrons or customers. The employer would thus not have to provide this accommodation. However, if there were an alternate accommodation that would not result in undue hardship, the employer would have to provide that accommodation.

It should be noted, moreover, that the employer would not be able to show undue hardship if the disruption to its employees were the result of those employees' fears or prejudices toward the individual's disability and not the result of the provision of the accommodation. Nor would the employer be able to demonstrate undue hardship by showing that the provision of the accommodation has a negative impact on the morale of its other employees but not on the ability of these employees to perform their jobs.

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(e) Conflict with other federal laws. It may be a defense to a charge of discrimination under this part that a challenged action is required or necessitated by another Federal law or regulation, or that another Federal law or regulation prohibits an action (including the provision of a particular reasonable accommodation) that would otherwise be required by this part.

(f) Additional defenses. It may be a defense to a charge of discrimination under this part that the alleged discriminatory action is specifically permitted by sections 1630.14 or 1630.16.

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Section 1630.15(e) Defense - Conflicting Federal Laws and Regulations

There are several Federal laws and regulations that address medical standards and safety requirements. If the alleged discriminatory action was taken in compliance with another Federal law or regulation, the employer may offer its obligation to comply with the conflicting standard as a defense. The employer's defense of a conflicting Federal requirement or regulation may be rebutted by a showing of pretext, or by showing that the Federal standard did not require the discriminatory action, or that there was a non-exclusionary means to comply with the standard that would not conflict with this part. See House Labor Report at 74.

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1630.16 Specific activities permitted.

(a) Religious entities. A religious corporation, association, educational institution, or society is permitted to give preference in employment to individuals of a particular religion to perform work connected with the carrying on by that corporation, association, educational institution, or society of its activities. A religious entity may require that all applicants and employees conform to the religious tenets of such organization. However, a religious entity may not discriminate against a qualified individual, who satisfies the permitted religious criteria, because of his or her disability.

(b) Regulation of alcohol and drugs. A covered entity:

(1) May prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;

(2) May require that employees not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;

(3) May require that all employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.);

INTERPRETIVE GUIDANCE

Section 1630.16 Specific Activities Permitted

Section 1630.16(a) Religious Entities

Religious organizations are not exempt from title I of the ADA or this part. A religious corporation, association, educational institution, or society may give a preference in employment to individuals of the particular religion, and may require that applicants and employees conform to the religious tenets of the organization. However, a religious organization may not discriminate against an individual who satisfies the permitted religious criteria because that individual is disabled. The religious entity, in other words, is required to consider qualified individuals with disabilities who satisfy the permitted religious criteria on an equal basis with qualified individuals without disabilities who similarly satisfy the religious criteria. See Senate Report at 42; House Labor Report at 76-77; House Judiciary Report at 46.

Section 1630.16(b) Regulation of Alcohol and Drugs

This provision permits employers to establish or comply with certain standards regulating the use of drugs and alcohol in the workplace. It also allows employers to hold alcoholics and persons who engage in the illegal use of drugs to the same performance and conduct standards to which it holds all of its other employees. Individuals disabled by alcoholism are entitled to the same protections accorded other individuals with disabilities under this part. As noted above, individuals currently engaging in the illegal use of drugs are not individuals with disabilities for purposes of part 1630 when the employer acts on the basis of such use.

REGULATION

(4) May hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior to which the entity holds its other employees, even if any unsatisfactory performance or behavior is related to the employee's drug use or alcoholism;

(5) May require that its employees employed in an industry subject to such regulations comply with the standards established in the regulations (if any) of the Departments of Defense and Transportation, and of the Nuclear Regulatory Commission, regarding alcohol and the illegal use of drugs; and

(6) May require that employees employed in sensitive positions comply with the regulations (if any) of the Departments of Defense and Transportation and of the Nuclear Regulatory Commission that apply to employment in sensitive positions subject to such regulations.

(c) Drug testing. -- (1) General policy. For purposes of this part, a test to determine the illegal use of drugs is not considered a medical examination. Thus, the administration of such drug tests by a covered entity to its

INTERPRETIVE GUIDANCE

Section 1630.16(c) Drug Testing

This provision reflects title I's neutrality toward testing for the illegal use of drugs. Such drug tests are neither encouraged, authorized nor prohibited. The results of such drug tests may be used as a basis for disciplinary action. Tests for the illegal use of drugs are not considered medical examinations for purposes of this part. If the results reveal information about an individual's medical condition beyond whether the individual

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job applicants or employees is not a violation of section 1630.13 of this part. However, this part does not encourage, prohibit, or authorize a covered entity to conduct drug tests of job applicants or employees to determine the illegal use of drugs or to make employment decisions based on such test results.

(2) Transportation Employees. This part does not encourage, prohibit, or authorize the otherwise lawful exercise by entities subject to the jurisdiction of the Department of Transportation of authority to:

(i) Test employees of entities in, and applicants for, positions involving safety sensitive duties for the illegal use of drugs or for on-duty impairment by alcohol; and

(ii) Remove from safety-sensitive positions persons who test positive for illegal use of drugs or on-duty impairment by alcohol pursuant to paragraph (c)(2)(i) of this section.

(3) Confidentiality. Any information regarding the medical condition or history of any employee or applicant obtained from a test to determine the illegal use of drugs, except information regarding the illegal use of drugs, is subject to the requirements of

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is currently engaging in the illegal use of drugs, this additional information is to be treated as a confidential medical record. For example, if a test for the illegal use of drugs reveals the presence of a controlled substance that has been lawfully prescribed for a particular medical condition, this information is to be treated as a confidential medical record. See House Labor Report at 79; House Judiciary Report at 47.

REGULATION

section 1630.14(b)(2) and (3) of this part.

(d) Regulation of smoking. A covered entity may prohibit or impose restrictions on smoking in places of employment. Such restrictions do not violate any provision of this part.

(e) Infectious and communicable diseases; food handling jobs. -- (1) In general. Under title I of the ADA, section 103(d)(1), the Secretary of Health and Human Services is to prepare a list, to be updated annually, of infectious and communicable diseases which are transmitted through the handling of food. If an individual with a disability is disabled by one of the infectious or communicable diseases included on this list, and if the risk of transmitting the disease associated with the handling of food cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign such individual to a job involving food handling. However, if the individual with a disability is a current employee, the employer must consider whether he or she can be accommodated by reassignment to a vacant position not involving food handling.

(2) Effect on state or other laws. This part does not

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Section 1630.16(e) Infectious and Communicable Diseases; Food Handling Jobs

This provision addressing food handling jobs applies the "direct threat" analysis to the particular situation of accommodating individuals with infectious or communicable diseases that are transmitted through the handling of food. The Department of Health and Human Services is to prepare a list of infectious and communicable diseases that are transmitted through the handling of food. (Copies may be obtained from Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road NE., Mailstop C09, Atlanta, GA 30333.) If an individual with a disability has one of the listed diseases and works in or applies for a position in food handling, the employer must determine whether there is a reasonable accommodation that will eliminate the risk of transmitting the disease through the handling of food. If there is an accommodation that will not pose an undue hardship, and that will prevent the transmission of the disease through the handling of food, the employer must provide the accommodation to the individual. The employer, under these circumstances, would not be permitted to discriminate against the individual because of the need to provide the reasonable accommodation and would be required to maintain the individual in the food handling job.

If no such reasonable accommodation is possible, the employer may refuse to assign, or to continue to assign the individual to a position involving food handling. This means that if such an individual is an applicant for a food handling position the employer is not required to hire the individual. However, if the individual is a current employee, the employer would be required to consider the accommodation of reassignment to a vacant position not involving food handling for which the individual is qualified. Conference Report at 61-63. (See section 1630.2(r) Direct Threat).

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preempt, modify, or amend any State, county, or local law, ordinance or regulation applicable to food handling which:

(i) Is in accordance with the list, referred to in paragraph (e)(1) of this section, of infectious or communicable diseases and the modes of transmissibility published by the Secretary of Health and Human Services; and

(ii) Is designed to protect the public health from individuals who pose a significant risk to the health or safety of others, where that risk cannot be eliminated by reasonable accommodation.

(f) Health insurance, life insurance, and other benefit plans. --(1) An insurer, hospital, or medical service company, health maintenance organization, or any agent or entity that administers benefit plans, or similar organizations may underwrite risks, classify risks, or administer such risks that are based on or not inconsistent with State law.

(2) A covered entity may establish, sponsor, observe or administer the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law.

INTERPRETIVE GUIDANCE

Section 1630.16(f) Health Insurance, Life Insurance, and Other Benefit Plans

This provision is a limited exemption that is only applicable to those who establish, sponsor, observe or administer benefit plans, such as health and life insurance plans. It does not apply to those who establish, sponsor, observe or administer plans not involving benefits, such as liability insurance plans.

The purpose of this provision is to permit the development and administration of benefit plans in accordance with accepted principles of risk assessment. This provision is not intended to disrupt the current regulatory structure for self-insured employers. These employers may establish, sponsor, observe, or administer the terms of a bona fide benefit plan not subject to state laws that regulate insurance. This provision is also not intended to disrupt the current nature of insurance underwriting, or current insurance industry practices in sales, underwriting, pricing, administrative and other services, claims and similar insurance related activities based on classification of risks as regulated by the States.

The activities permitted by this provision do not violate part 1630 even if they result in limitations on individuals with

REGULATION

(3) A covered entity may establish, sponsor, observe, or administer the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.

(4) The activities described in paragraphs (f)(1),(2), and (3) of this section are permitted unless these activities are being used as a subterfuge to evade the purposes of this part.

INTERPRETIVE GUIDANCE

disabilities, provided that these activities are not used as a subterfuge to evade the purposes of this part. Whether or not these activities are being used as a subterfuge is to be determined without regard to the date the insurance plan or employee benefit plan was adopted.

However, an employer or other covered entity cannot deny a qualified individual with a disability equal access to insurance or subject a qualified individual with a disability to different terms or conditions of insurance based on disability alone, if the disability does not pose increased risks. Part 1630 requires that decisions not based on risk classification be made in conformity with non-discrimination requirements. See Senate Report at 84-86; House Labor Report at 136-138; House Judiciary Report at 70-71. See the discussion of section 1630.5 Limiting, Segregating and Classifying.

APPENDIX C

Diseases Transmitted Through the Food Supply

(Issued by the Centers for Disease Control,
U.S. Public Health Service,
Pursuant to Section 103(d)
of the Americans with Disabilities Act)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Diseases Transmitted Through the Food Supply

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of final list of infectious and communicable diseases that are transmitted through handling the food supply and the methods by which such diseases are transmitted.

SUMMARY: Section 103(d) of the Americans with Disabilities Act of 1990 requires the Secretary to publish a list of infectious and communicable diseases that are transmitted through handling the food supply. The Centers for Disease Control (CDC) published an interim list and request for comments on May 16, 1991 (56 FR 22726). Six comments were received. The interim list was reviewed in light of the comments and the final list is set forth below.

EFFECTIVE DATE: August 16, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. Morris E. Potter, National Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop C09, Atlanta, Georgia 30333; telephone (404) 639-2237.

SUPPLEMENTARY INFORMATION: Section 103(d) of the Americans with Disabilities Act of 1990, 42 U.S.C. 12113(d), requires the Secretary of Health and Human Services to:

1. Review all infectious and communicable diseases which may be transmitted through handling the food supply;
2. Publish a list of infectious and communicable diseases which are transmitted through handling the food supply;
3. Publish the methods by which such diseases are transmitted; and
4. Widely disseminate such information regarding the list of diseases and their modes of transmissibility to the general public.

Additionally, the list is to be updated annually.

After consultation with the Food and Drug Administration, the National Institutes of Health, State and local health officers, and national public health organizations, CDC published an interim list and request for comments in the Federal Register on May 16, 1991 (56 FR 22726).

Six written comments were received: four before publication of the interim list and two during the comment period. Organizations representing the food processing/food service industries provided four of the comments; a professional medical association and an association representing State, local, and federal public health regulatory officials also submitted comments. In general, the commenters approved of the approach taken in response to the Act's requirement, especially the listing of relevant signs and symptoms that indicate the possibility of elevated risk of transmission of infectious and communicable diseases through the handling of the food supply.

Comment: Food industry associations and the medical association expressed the view that persons who are sick should not handle food and therefore advocated expanding the list of include upper and lower respiratory tract infections.

Response: Section 103(d) of the Act specifies that the infectious and communicable diseases to be listed are those that are transmitted from infected food workers through the handling of the food supply. Therefore, while infectious and communicable diseases exist that can be transmitted to the public and coworkers by routes other than through food, diseases spread through the air are inappropriate on this list. However, appropriate measures undertaken to protect the public's health from non-foodborne diseases should not be constrained by this list.

Comment: Commenters suggested that a wider range of skin lesions should be included (e.g., rashes, boils, acne, and burns).

Response: Open skin lesions are included on the list to protect consumers from foodborne exposure to *Staphylococcus aureus* and *Streptococcus pyogenes.* While intact skin provides a measure of protection, the presence of unruptured boils could indicate elevated risk to the public, and therefore boils are included in the final list.

Comment: One respondent from the food service industry advocated adding to the list headache, unusual fatigue, unexplained chills, and conditions which would be likely to increase manual or airborne exposure to secretions and excretions, such as colostomy/ileostomy pouches, urinary catheters/pouches, incontinence, nasal catheters, blood clotting disorders, or other invasive or indwelling devices.

Response: Headache, unusual fatigue, and unexplained chills are not specific to or indicative of foodborne diseases that are likely to be transmitted from infected food workers through contamination of the food supply and are, therefore, inappropriate on this list. Persons with medical conditions that increase their contact with their secretions and excretions certainly require additional education about prevention of fecaloral transmission of disease-producing microorganisms and training regarding hand washing. However, in the absence of evidence of infection by one of the listed pathogenic microorganisms, persons with such medical conditions do not require special consideration under section 103(d) of the Act.

Comment: Comment was made that identifying pathogenic microorganisms by name and providing separate lists of pathogens that are often transmitted by contamination of the food supply and occasionally transmitted by such contamination is not helpful to managers in the food processing/food service industries.

Response: The signs and symptoms in the list can inform the public and alert food workers and their employers of the possibility of increased risk of transmission of infectious diseases. Identifying specific pathogens and separating them according to whether infected food workers play a major or minor role may be helpful in guiding medical care providers and public health officials who may examine the food workers and determine the appropriate public health response. Separating diseases according to whether infected food workers play a major or minor role also emphasizes the importance of primary contamination of raw food ingredients in the epidemiology of foodborne disease.

Comment: Two respondents encouraged adding to the list food workers living with a person infected by the hepatitis A virus and having travelled to countries with high rates of enteric diseases, including hepatitis A.

Response: Persons infected with hepatitis A can transmit their infection for a few days before they become clinically ill. However, everyone exposed does not become infected, and it seems unreasonable to exclude from food service all workers who have been potentially exposed to hepatitis A virus until they have passed the 15- to 50-day incubation period for the disease.

Comment: The association representing regulatory officials advocated limiting the list to those diseases for which risk of transmission from infected food workers through contamination of the food supply has been established.

Response: In fact, the list only contains such diseases. As provided in the Act, we will consider new information as it becomes available and will update the list with additional pathogenic microorganisms when scientific evidence indicates that it is appropriate.

Therefore the final list of infectious and communicable diseases that are transmitted through handling the food supply and the methods by which such diseases are transmitted are set forth below:

I. Pathogens Often Transmitted by Food Contaminated by Infected Persons Who Handle Food, and the Modes of Transmission of Such Pathogens

The contamination of raw ingredients from infected food-producing animals and contamination during processing are more important causes of foodborne disease than is contamination of foods by persons with infectious or contagious diseases. However, some pathogens are frequently transmitted by food contaminated by infected persons. The presence of any one of the following signs or symptoms in persons who handle food may indicate infection by one of these pathogens: diarrhea, vomiting, open skin sores, boils, fever, dark urine, or jaundice. The failure of food employees to wash hands (in situations such as after using the toilet, handling raw chicken, cleaning spills, or carrying garbage, for example), wear clean gloves, or use clean utensils is responsible for the foodborne transmission of these pathogens. Non-foodborne routes of transmission, such as from one person to another, are also important in the spread of these pathogens. Pathogens that can cause diseases after an infected person handles food are the following:

Hepatitis A virus
Norwalk and Norwalk-like viruses
Salmonella typhi
Shigella species
Staphylococcus aureus
Streptococcus pyogenes

II. Pathogens Occasionally Transmitted by Food Contaminated by Infected Persons who Handle Food, But Usually Transmitted By Contamination at the Source or in Food Processing or by Nonfoodborne Routes

Other pathogens are occasionally transmitted by infected persons who handle food, but usually cause disease when food is intrinsically contaminated or cross-contaminated during processing or preparation. Bacterial pathogens in this category often require a period of temperature abuse to permit their multiplication to an infectious dose before they will cause disease in consumers. Preventing food contact by persons who have an acute diarrheal illness will decrease the risk of transmitting the following pathogens:

Campylobacter jejuni
Entamoeba histolytica
Enterohemorrhagic *Escherichia coli*
Enterotoxigenic *Escherichia coli*
Giardia lamblia
Nontyphoidal *Salmonella*
Rotavirus
Vibrio cholerae 01
Yersinia enterocolitica

References

1. World Health Organization. *Health surveillance and management procedures for food-handling personnel: report of a WHO consultation.* World Health Organization technical report series; 785. Geneva: World Health Organization, 1989.

2. Frank JF, Barnhart HM. Food and dairy sanitation. In: Last JM, ed. *Maxcy-Rosenau public health and preventive medicine.* 12th edition. New York: Appleton-Century-Crofts, 1986:765–806.

3. Bennett JV, Holmberg SD, Rogers MF, Solomon SL. Infectious and parasitic diseases. In: Amler RW, Dull HB, eds. *Closing the gap: the burden of unnecessary illness.* New York: Oxford University Press, 1987:102–114.

Dated: August 9, 1991.

Walter R. Dowdle,

Acting Director, Centers for Disease Control.

[FR Doc. 91-19567 Filed 8-15-91; 8:45 am]

BILLING CODE 4160-18-M

APPENDIX D

Form and Instructions for ADA-Related Small Business Tax Credit

(Section 44 of the Internal Revenue Code)

Form **8826**

Department of the Treasury
Internal Revenue Service

Disabled Access Credit

▶ Attach to your return.

OMB No. 1545-1205

1991

Attachment
Sequence No. 86

Name(s) as shown on return

Identifying number

Part I Current Year Disabled Access Credit

1	Total eligible access expenditures	1	
2	Minimum amount.	2	$ 250 00
3	Subtract line 2 from line 1 (if less than zero, enter -0-)	3	
4	Maximum amount	4	$10,000 00
5	Enter smaller of line 3 or line 4	5	
6	Credit. Enter 50% (.50) of line 5.	6	
7	Disabled access credits from flow-through entities	7	
8	**Current year disabled access credit.** Add lines 6 and 7, but do not enter more than $5,000	8	

If you are a—	Then enter total of current year disabled access credit(s) from—
a Shareholder	Schedule K-1 (Form 1120S), lines 12d, 12e, or 13
b Partner	Schedule K-1 (Form 1065), lines 13d, 13e, or 14

Part II Tax Liability Limitation (See Who Must File Form 3800, General Business Credit, to see if you complete Part II or file Form 3800.)

9a	Individuals. Enter amount from Form 1040, line 40				
b	Corporations. Enter amount from Form 1120, Schedule J, line 3 (or Form 1120-A, Part I, line 1)			9	
c	Other filers. Enter regular tax before credits from your return				
10	Credits that reduce regular tax before the disabled access credit:				
a	Credit for child and dependent care expenses (Form 2441).	10a			
b	Credit for the elderly or the disabled (Schedule R (Form 1040))	10b			
c	Foreign tax credit (Form 1116 or Form 1118)	10c			
d	Possessions tax credit (Form 5735).	10d			
e	Mortgage interest credit (Form 8396)	10e			
f	Credit for fuel from a nonconventional source	10f			
g	Orphan drug credit (Form 6765).	10g			
h	Add lines 10a through 10g			10h	
11	Net regular tax. Subtract line 10h from line 9			11	
12	Tentative minimum tax (see instructions):				
a	Individuals. Enter amount from Form 6251, line 20				
b	Corporations. Enter amount from Form 4626, line 14.			12	
c	Estates and trusts. Enter amount from Form 8656, line 37				
13	Net income tax:				
a	Individuals. Add line 11 above and line 22 of Form 6251				
b	Corporations. Add line 11 above and line 16 of Form 4626			13	
c	Other filers. See instructions				
14	If line 11 is more than $25,000, enter 25% (.25) of the excess (see instructions).			14	
15	Subtract line 12 or line 14, whichever is greater, from line 13. Enter the result. If less than zero, enter -0-.			15	
16	**Disabled access credit** allowed for current year. Enter the **smaller** of line 8 or line 15. This is your **General Business Credit** for 1991. Enter here and on Form 1040, line 44; Form 1120, Schedule J, line 4e; Form 1120-A, Part I, line 2a; or on the appropriate line of other income tax returns			16	

Paperwork Reduction Act Notice.—We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping	4 hr., 18 min.
Learning about the law or the form	47 min.
Preparing and sending the form to the IRS	54 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the IRS and the Office of Management and Budget at the addresses listed in the instructions of the tax return with which this form is filed.

General Instructions

(Section references are to the Internal Revenue Code unless otherwise noted.)

Purpose of Form

Form 8826 is used by an eligible small business to claim the disabled access credit. The credit is part of the general business credit under section 38 and is figured under the provisions of section 44.

A partnership or S corporation that is an eligible small business completes Part I of the form to figure the credit to pass through to its partners or shareholders.

Who Must File Form 3800, General Business Credit

The general business credit consists of the investment credit (Form 3468), jobs credit (Form 5884), credit for alcohol used as fuel (Form 6478), research credit (Form 6765), low-income housing credit (Form 8586), enhanced oil recovery credit (Form 8830), and the disabled access credit (Form 8826). If you have more than one of these credits for 1991, a carryback or carryforward of any of these credits, or a disabled access credit from a passive activity, do not complete Part II of Form 8826. Instead, attach the appropriate credit forms and summarize the credits on Form 3800, which is also used to figure the tax liability limitation. If you only have a 1991 disabled access credit and the credit is not from a passive activity, complete Part II of Form 8826. You do not have to file Form 3800 for this year.

Definitions

Eligible small business.—For purposes of section 44, an eligible small business means any business or person that (a) had gross receipts for the preceding tax year that did not exceed $1 million or had no more than 30 full-time employees during the preceding tax year and (b) elects (by filing Form 8826) to claim the disabled access credit for the tax year.

For purposes of the definition:

- Gross receipts are reduced by returns and allowances made during the tax year.
- An employee is considered full time if that employee is employed at least 30 hours per week for 20 or more calendar weeks in the tax year.
- Generally, all members of the same controlled group and all persons under common control are considered to be one person. See section 44(d)(2).

Eligible access expenditures.—For purposes of section 44, these expenditures are amounts paid or incurred by the eligible small business to comply with applicable requirements under the Americans With Disabilities Act of 1990 (Public Law 101-336).

Eligible access expenditures include amounts paid or incurred—

a. To remove barriers that prevent a business from being accessible to or usable by individuals with disabilities;

b. To provide qualified interpreters or other methods of making audio materials available to hearing-impaired individuals;

c. To provide qualified readers, taped texts, and other methods of making visual materials available to individuals with visual impairments; or

d. To acquire or modify equipment or devices for individuals with disabilities.

The expenditures must be reasonable and necessary to accomplish the above purposes.

Eligible expenditures do not include expenditures in **a** above that are paid or incurred in connection with any facility first placed in service after November 5, 1990.

Eligible access expenditures must meet those standards issued by the Secretary of the Treasury as agreed to by the Architectural and Transportation Barriers Compliance Board and set forth in regulations. See section 44(c) for other details.

Disability.—For an individual, this means—

a. A physical or mental impairment that substantially limits one or more of the major life activities of that individual;

b. A record of such an impairment; or

c. Being regarded as having such an impairment.

Specific Instructions

Part I

Line 1.—Enter total eligible access expenditures paid or accrued during the tax year. See **Eligible access expenditures** above for a definition of eligible access expenditures and other details.

Controlled groups.—All members of a controlled group of corporations (within the meaning of section 52(a)) and all persons under common control (within the meaning of section 52(b)) are treated as one person for purposes of the credit. The group member with the most eligible access expenditures should figure the group credit in Part I and skip Part II.

On separate Forms 8826, each member of the group should skip lines 1 through 5 and enter its share of the group credit on line 6. Each member should then complete the remaining applicable lines (or Form 3800, if required) on its separate form. Each member must also attach to its Form 8826 a schedule showing how the group credit was divided among all members. The members share the credit in the same proportion that they contributed eligible access expenditures.

Denial of double benefit.—The eligible access expenditures may not be claimed as a deduction, capitalized, or used in figuring any other credit to the extent of the credit shown on line 8.

Part II

Line 12—Tentative minimum tax.—Complete the appropriate alternative minimum tax form through the tentative minimum tax line. Transfer the result to this line.

Line 13c—Other filers.—Enter the sum of line 11 and your alternative minimum tax from whichever alternative minimum tax form you file.

Line 14.—See section 38(c)(2) for special rules for married couples filing separate returns, for controlled corporate groups, and for estates and trusts.

Line 16.—If you cannot use part of the credit because of the tax liability limitations (line 16 is smaller than line 8), carry the unused portion back to each prior tax year that ended after November 4, 1990. Any remaining unused credit is then carried forward 15 years.

See section 383 for the limitation on the amount of any excess general business credits of a loss corporation for any tax year ending after a post-1986 ownership change that may be used in a post-change year.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A TECHNICAL ASSISTANCE MANUAL
ON THE EMPLOYMENT PROVISIONS
(TITLE I) OF THE

AMERICANS WITH DISABILITIES ACT

RESOURCE DIRECTORY

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ON THE EMPLOYMENT PROVISIONS
(TITLE I) OF THE

AMERICANS WITH DISABILITIES ACT

RESOURCE DIRECTORY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

January 1992 EEOC-M-1B

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INTRODUCTION

This Directory has been developed as part of EEOC's ADA Technical Assistance Manual to indicate the wide range of public and private resources providing technical assistance -- frequently at no cost -- to aid the employment of people with disabilities. The Directory should serve as a valuable reference tool to aid compliance with Title I of the ADA. However, the Directory is not an authoritative compilation of all available resources. Nor does the inclusion or omission of an agency or organization indicate an evaluation or endorsement by EEOC.

EEOC has focussed the Directory on programs and organizations that provide specific services related to the employment of people with disabilities; for this reason, many other public and private programs related to disability and rehabilitation have not been included. The listing of non-governmental organizations also has been limited to national organizations; accordingly, many valuable local resources are not included. However, the Directory identifies national organizations that work through local affiliates; these affiliates may be found by contacting the national organization or by consulting a local telephone directory.

The information in Sections I-IV on federal agency programs was reviewed and verified by those agencies. The information on services provided by non-governmental organizations in Section V was provided by the organizations themselves in response to a questionnaire circulated by EEOC to more than 200 national organizations during 1991. As indicated above, inclusion of this information in the Directory does not constitute an endorsement or recommendation by EEOC of the organizations, their services, or any interpretations of the ADA that they may provide.

Where an organization did not respond to EEOC's questionnaire, or where the response did not indicate specific employment-related services, the organization was not included in Section V. However, Section VI lists many other organizations that may be helpful in employment of persons with specific types of disabilities.

Readers are encouraged to contact ADA Regional Disability and Business Technical Assistance Centers for current information on additional technical assistance resources, and particularly for resources at state and local levels (See Section II).

EEOC has made an effort to assure that addresses and telephone numbers provided for agencies and organizations are current as of the time of publication. However, it should be noted that listings of this nature are subject to frequent changes.

HOW TO USE THIS DIRECTORY

The Directory is divided into three parts and 13 sections:

Part One describes federal agency programs that provide information and technical assistance on or related to the ADA and other federal nondiscrimination requirements in four sections:

> **Section I** describes information and assistance available from the agencies that enforce the ADA.
>
> **Section II** provides information on other Federal and Federally-funded programs that provide specific technical assistance to aid compliance with the ADA.
>
> **Section III** provides information on Federal programs that provide information and assistance related to disability and employment.
>
> **Section IV** provides information on other Federal laws that prohibit discrimination on the basis of disability and the agencies that enforce these laws.

(Federal programs that operate through regional and state offices are indicated in each section.)

Part Two provides information on specific employment-related information and technical assistance available from a wide range of national non-governmental organizations, and indicates organizations that operate through state and local affiliates.

> **Section V** describes organizations that provide services related to employment of people with disabilities.
>
> **Section VI** lists other organizations with expertise in specific disabilities.
>
> **Section VII** describes alternative dispute resolution resources.

Part Three provides locations and telephone numbers for regional and state offices of federal programs.

> **Section VIII** lists Equal Employment Opportunity Commission District Offices.
>
> **Section IX** lists regional offices of agencies that enforce other laws prohibiting employment discrimination on the basis of disability.
>
> **Section X** lists state locations of other federal programs related to disability and employment.
>
> **Section XI** lists Centers for Independent Living by State.
>
> **Section XII** lists state Technology-Related Assistance programs.
>
> **Section XIII** lists state programs of Education and Assistance for Farmers and Ranchers with Disabilities.

HOW TO LOCATE INFORMATION

Generally, entries are listed in alphabetical order. An agency or organization may be located either by looking in the appropriate Section, or in the Index at the end of the Directory.

This Index also makes it possible to locate an agency(ies) or organization(s) providing information or assistance on many specific aspects of employing people with disabilities, such as job accommodations, recruitment sources, or assistive devices and equipment. The Index contains many headings and sub-headings, followed by page numbers where that topic is discussed. Many topics are listed under more than one heading to provide quicker access. Topics which may be of particular interest are in bold-face type for easy identification.

Among the many programs and organizations listed in the Directory, a few will be particularly useful initial contact points, because of their broad expertise on a range of issues, their ability to provide direct technical assistance in many specialized areas, as well referrals to other specialized resources. These include:

- **ADA Regional Business and Disability Technical Assistance Centers** (See Sections II and X)
- **The Job Accommodation Network**

(See Section II)

- **State Partners of the President's Committee on Employment of People with Disabilities**
  (See Sections II and X)

- **Centers for Independent Living**
  (See Sections III and XI.)

FEDERAL AGENCY RESOURCES

PART ONE

SECTIONS I-IV

I. FEDERAL AGENCIES THAT ENFORCE ADA PROVISIONS

II. OTHER FEDERAL AND FEDERALLY FUNDED ADA TECHNICAL ASSISTANCE

III. OTHER FEDERAL AGENCY PROGRAMS RELATED TO DISABILITY AND EMPLOYMENT

IV. FEDERAL AND STATE AGENCIES THAT ENFORCE OTHER LAWS PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY

FEDERAL AGENCIES THAT ENFORCE ADA PROVISIONS

This Section summarizes sources of technical assistance available from the federal agencies that enforce the ADA. Further information on the technical assistance activities of the Equal Employment Opportunity Commission (EEOC) and the Department of Justice can be found in Section II. EEOC's District Offices are listed in Section VIII.

Title I
Employment

U.S. Equal Employment Opportunity Commission
1801 L St., N.W., Washington, DC 20507
ADA Helpline (800) 669-EEOC (Voice) or (800) 800-3302 (TDD)
(*See Section* VIII for District Office Locations)

Enforces Title I provisions prohibiting discrimination in employment against qualified individuals with disabilities. Provides information, speakers, technical assistance, training, and referral to specialized resources to employers and people with disabilities, through headquarters and district offices. ***Publications**: Title I Regulations; ADA Technical Assistance Manual ("how to" information on Title I compliance and resource directory); Booklets on employer responsibilities and rights of individuals with disabilities; Questions and Answers on ADA employment and public accommodation provisions; fact sheets on ADA and tax credits and deductions for ADA accommodations; Video series on key aspects of Title I compliance available Spring 1992.

* Note: EEOC will issue additional policy guidance through its internal interpretive Compliance Manual prior to and following the effective date of the ADA. The manual is available to the public at Commission headquarters and field offices and at public libraries. It also is available through two commercial services: (1) Bureau of National Affairs, 1231 25th St., N.W., Washington, D.C. 20037, (800) 372-1033; (2) Commerce Clearing House, 4025 West Peterson Ave., Chicago, IL 60646, (312) 583-8500.

Title II
State and Local Government Services

Title III
Public Accommodations and Commercial Facilities

U.S. Department of Justice
Civil Rights Division
Office on the Americans with Disabilities Act
P.O. Box 66118, Washington, DC 20035-6118
(202) 514-0301 (Voice) or (202) 514-0381 (TDD)
(202) 514-6193 (Electronic Bulletin Board)

Enforces ADA provisions prohibiting discrimination on the basis of disability in state and local government services (Title II), and in public accommodations and commercial facilities (Title III). Provides technical assistance to those with rights and responsibilities under the law. (See Technical Assistance Grant Projects, Section II) **Publications**: Title II and Title III Regulations; ADA Technical Assistance Manual; Books, brochures, and fact sheets focusing on Title II and Title III requirements.

Note: An ADA Handbook, a joint publication of EEOC and the Department of Justice, containing the text of the ADA, Regulations for Titles I, II, and III, Accessibility Guidelines, Uniform Accessibility Standards, and other useful resources is for sale by the Government Printing Office. Serial No. 052-015-00072-3. Available at Government Book Stores or by calling (202) 783-3238.

Title II
Public Mass Transportation

Title III
Private Mass Transportation

U.S. Department of Transportation
400 7th St., S.W., Washington, DC 20590
(202) 366-9305 (Voice) or (202) 755-7687 (TDD)

Enforces ADA provisions that require nondiscrimination in public (Title II) and private (Title III) mass transportation systems and services. **Publications**: Transportation for Individuals with Disabilities, Regulations. ADA Paratransit Handbook for implementing complementary paratransit service requirements. Other technical assistance materials available in 1992.

Title IV Telecommunications

Federal Communications Commission
1919 M St., N.W., Washington, DC 20554
(202) 632-7260 (Voice) or (202) 632-6999 (TDD)

Enforces ADA telecommunications provisions, which require that companies offering telephone service to the general public must offer telephone relay services to individuals who use text telephones or similar devices. Also enforces requirements for closed captioning of federally produced or federally funded television public service announcements. Maintains database of state telecommunications relay service facilities.
Publications: Telecommunications Services for Hearing and Speech Disabled, Regulations; Telecommunications Relay Service - An Informational Handbook.

OTHER FEDERAL AND FEDERALLY FUNDED ADA TECHNICAL ASSISTANCE

This Section summarizes federal and federally funded ADA technical assistance available to employers and people with disabilities.

Equal Employment Opportunity Commission Title I Training For People With Disabilities and Employers

During 1992, the Equal Employment Opportunity Commission will fund two national projects providing training for people with disabilities and for employers on their rights and responsibilities under Title I of the ADA.

ADA Regional Disability and Business Technical Assistance Centers

Congress mandated the National Institute on Disability and Rehabilitation Research to establish ten regional centers to provide information, training, and technical assistance to employers, people with disabilities, and other entities with responsibilities under the ADA. The centers act as a "one-stop" central source of information, direct technical assistance, training, and referral on ADA issues in employment, public accommodations, public services, and communications. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide ADA information and assistance, and places special emphasis on meeting the needs of small businesses. Programs vary in each region, but all centers provide the following:

- **Individualized responses to information requests**, and a range of written and audio-visual materials on specific aspects of ADA compliance. Materials will include publications of the federal ADA enforcement agencies and specialized materials for employers, places of public accommodation, public service providers, and people with disabilities. Employer materials will cover many specific ADA issues, including accessibility, accommodations, recruiting, interviewing, testing, hiring, and job restructuring. Fact sheets, brochures, self-assessment guides, training modules designed for self-administration, and video and audiotapes will be available through the centers in 1992 and 1993.

- **Referrals to local sources of expertise in all aspects of ADA compliance,** including specialists in such fields as rehabilitation, independent living, ergonomics, architecture, and specific disabilities for expert assistance in accessibility, accommodations, job analysis, assistive technology, disability awareness, recruiting, interviewing, hiring, testing, medical examinations, and other aspects of compliance. By Spring 1992, the Centers will be equipped with a common electronic resource database to provide extensive local, regional, and national referrals.

- **Training on ADA provisions and disability awareness** for employers, other covered entities, and for people with disabilities.
- **Direct technical assistance** on specific aspects of compliance with ADA employment and public accommodations requirements.

Regional centers and areas they serve are listed below. They also are listed as "ADA Technical Assistance Centers" in Section X by State.

Region I:

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

New England Disability and Business Technical Assistance Center
145 Newbury St.
Portland, ME 04101
(207) 874-6535 Voice/TDD

Region II:

New Jersey, New York, Puerto Rico, Virgin Islands

Northeast Disability and Business Technical Assistance Center
354 South Broad St.
Trenton, NJ 08608
(609) 392-4004 Voice
(609) 392-7044 TDD

Region III:

Delaware, D.C., Maryland, Pennsylvania, Virginia, West Virginia

Mid-Atlantic Disability and Business Technical Assistance Center
2111 Wilson Blvd., Suite 400
Arlington, VA 22201
(703) 525-3268 Voice/TDD

Region IV:

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Southeast Disability and Business Technical Assistance Center
1776 Peachtree St.
Suite 310 North
Atlanta, GA 30309
(404) 888-0022 Voice
(404) 888-9007 TDD

Region V:

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Great Lakes Disability and Business Technical Assistance Center
1640 West Roosevelt Rd. (M/C 627)
Chicago, IL 60608
(312) 413-1407 Voice
(312) 413-0453 TDD

Region VI:

Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Southwest Disability and Business Technical Assistance Center
2323 South Shepherd Blvd., Suite 1000
Houston, TX 77019
(713) 520-0232 Voice
(713) 520-5136 TDD

Region VII:
Iowa, Kansas, Nebraska, Missouri

Great Plains Disability and Business Technical
Assistance Center
4816 Santana Dr.
Columbia, MO 65203
(314) 882-3600 Voice/TDD

Region VIII:
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Rocky Mountain Disability and Business
Technical Assistance Center
3630 Sinton Rd., Suite 103
Colorado Springs, CO 80907-5072
(719) 444-0252 Voice
(719) 444-0268 TDD

Region IX:
Arizona, California, Hawaii, Nevada

Pacific Coast Disability and Business
Technical Assistance Center
440 Grand Ave., Suite 500
Oakland, CA 94610
(510) 465-7884 Voice
(510) 465-3172 TDD

Region X:
Alaska, Idaho, Oregon, Washington

Northwest Disability and Business
Technical Assistance Center
605 Woodview Dr.
Lacey, WA 98503
(206) 438-3168 Voice
(206) 438-3167 TDD

Job Accommodation Network
P.O. Box 6123, 809 Allen Hall, Morgantown, WV 26506-6123
(800) 526-7234 (Accommodation Information)(Out of State Only/Voice/TDD)
(800) 526-4698 (Accommodation Information)(In State Only/Voice/TDD)
(800) ADA WORK (800) 232-9675 (ADA Information)(Voice/TDD)
(800) DIAL JAN (800) 342-5526 (ADA Information)(Computer Modem)

Free consultant service funded by the President's Committee on Employment of People with Disabilities. Through telephone consultation with professional human factors counselors, provides information and advice to employers and people with disabilities on custom job and worksite accommodations. Performs individualized searches for workplace accommodations, based on the job's functional requirements, the functional limitations of the individual, environmental factors, and other pertinent information. Assists employers and individuals with disabilities in the use of a variety of public programs dealing with disability, including the Job Training Partnership Act, Projects with Industry, Supported Employment, Targeted Jobs Tax Credit, and barrier removal incentives. ADA Work Line is staffed by people experienced in discussing the application of the ADA, especially as it relates to accommodation and accessibility issues. **Videotape**: "Bridging the Talent Gap," features a variety of individuals with disabilities successfully employed as a result of vocational rehabilitation and on-the-job accommodation; descriptive literature on JAN services.

The President's Committee on Employment of People with Disabilities
1331 F St., N.W., Washington, DC 20004
(202) 376-6200 (Voice) or (202) 376-6205 (TDD)
(*See Section* X for President's Committee State Partner Locations)

Provides information and advice on employment of people with disabilities. Conducts training conferences on ADA, and an annual meeting which offers training opportunities on many aspects of employing people with disabilities. Works with state organizations (President's Committee Partners,) which include Governors', Mayors', local committees, and disability rights advocacy organizations to increase employment opportunities for people with disabilities. Involved in programs with business, industry, and labor to educate and inform through local and national initiatives. President's Committee Partners provide technical assistance on employment and information on assistive technology and workplace accommodations for people with disabilities. Funds the Job Accommodation Network, which provides free consultation on specific accommodation issues (See above). **Publications**: Provides a range of informational materials on the ADA and practical guidance on job analysis, job accommodation and modification, hiring and training people with disabilities, job placement, supervising employees with mental retardation, vocational rehabilitation, disability legislation and regulations, and working with people who have specific disabilities such as multiple sclerosis, blindness, diabetes, cerebral palsy, and cystic fibrosis.

Architectural and Transportation Barriers Compliance Board
1111 18th St., N.W., Suite 501, Washington, DC 20036-3894
(800) USA-ABLE (Voice/TDD)

Sets guidelines adopted as accessibility standards under Titles II and III of the ADA. Provides information on technical and scoping requirements for accessibility and offers general technical assistance on the removal of architectural, transportation, communication, and attitudinal barriers affecting people with disabilities. **Publications**: ADA Accessibility Guidelines for Buildings and Facilities; ADA Accessibility Guidelines for Transportation Vehicles; ADA Accessibility Guidelines for Transportation Facilities; Manuals on ADA accessibility guidelines for transportation vehicles; ADA Accessibility Guidelines Checklist for buildings and facilities; Uniform Federal Accessibility Standards Accessibility Checklist; Design bulletin series explaining various provisions of ADA Accessibility Guidelines for Buildings and Facilities; Booklets and guides on barrier-free design, accessible rest rooms, wheelchair lifts and slip resistant surfaces, transit facility designs, assistive listening devices, visual alarms, airport TDD access, and air carrier policies affecting people with disabilities.

National Institute on Disability and Rehabilitation Research
400 Maryland Ave., S.W., Washington, DC 20202-2572
(202) 732-5801 (Voice) or (202) 732-5316 (TDD)

Provides funding for three major programs to assist ADA compliance:

1. **ADA Regional Disability and Business Technical Assistance Centers.** (See above).

2. **Materials Development Projects.** During 1992 and 1993, a variety of written and audiovisual materials on employment, public accommodations, public services and communications aspects of ADA compliance will be developed and made available to the Regional Disability and Business Technical Assistance Centers for distribution to the public. These materials will include fact sheets, brochures, manuals, self-assessment guides, training modules, slides, and video

and audiotapes, and will be designed as self-instructional training resources for employers and other organizations, as well as for the Peer Training Projects (below).

3. **"Peer Training" Projects.** Two national training programs will be funded and conducted in 1992: (1) training for persons in the fields of Independent Living and disability advocacy on all aspects of the ADA; (2) training for people with disabilities, their families, and organizations representing them on rights under the ADA.

   Both projects will develop trainers who can conduct additional training for other interested groups.

NIDRR also funds research projects that provide information on assistive technology and employment (See State Technology Assistance Projects below).

Department of Justice ADA Technical Assistance Grant Projects

The following organizations were funded by the Department of Justice in September 1991 to provide technical assistance on Titles II and III of the ADA. Some of these projects will also provide assistance on aspects of Title I compliance.

American Foundation for the Blind (AFB) and
Gallaudet University - National Center for Law and
the Deaf (NCLD)
1615 M St., N.W., Suite 250, Washington, D.C. 20036
(202) 651-5343 (NCLD) or (202) 223-0101 (AFB)

Through voice and TDD telephone information lines, will provide advice and technical assistance on a case-by-case basis to consumers and covered entities on overcoming communications barriers resulting from hearing and vision loss. Will develop and distribute pamphlets targeted at restaurants, the hospitality industry, places of assembly, health care providers, and consumers.

American Hotel and Motel Association
1201 New York Ave., N.W., Suite 600, Washington, D.C. 20005
(202) 289-3100

Will disseminate ADA information, develop and conduct a series of seminars for the hotel and motel industry at State-level Association conferences, and develop and distribute an ADA Compliance handbook for use by the lodging industry.

American Speech-Language-Hearing Association
10801 Rockville Pike, Rockville, MD 20852
Consumer Help (301) 897-5700 or (800) 638-8255 (Voice)
Consumer Help (301) 897-0157 (TDD)

Will disseminate information on the ADA to people with communications disabilities, professionals in the disability field, and covered entities, including retail stores, daycare centers, places of assembly, and emergency service providers. Will provide telephone information lines on communications access issues for businesses, audiologists, and persons with disabilities, and will develop and conduct a national workshop addressing these issues.

The Association for Retarded Citizens of the United States (ARC)
500 East Border, S-300, Arlington, TX 76010
(817) 261-6003

Will disseminate information regarding the ADA as it applies to individuals with mental retardation. Will establish a national information center to develop and disseminate educational brochures to restaurants, hotels and motels, retail stores, and places of public assembly on how to provide cognitively accessible, integrated services. Will also conduct national training for ARC chapters on Title III and for organizations representing child care facilities, and develop and disseminate a resource book for child care centers.

The Association on Handicapped Student Service Programs in Postsecondary Education (AHSSPPE)
P.O. Box 21192, Columbus, OH 43221-0192
(614) 488-4972
ADA Hotline (800) 247-7752 (Voice/TDD)

In collaboration with the National Clearinghouse on Licensure Enforcement and Regulations (CLEAR), will develop a manual on testing accommodations and ADA compliance by boards of licensure and certification. Also, will provide a telephone hotline to respond to ADA information requests from CLEAR members.

Building Owners and Managers Association International
1201 New York Ave., N.W., Suite 300, Washington, D.C. 20005
(202) 408-2684

Will conduct seminars nationwide for building owners and managers on ADA requirements for commercial facilities and places of public accommodation.

Council of Better Business Bureaus' Foundation
4200 Wilson Blvd., Suite 800, Arlington, VA 22203-1804
(703) 276-0100 (Voice) or (703) 247-3668 (TDD)

Through its network of 177 Better Business Bureaus, will educate small and medium-sized business members on their obligations as public accommodations under Title III of the ADA. Will also provide specialized resources and training in ADA alternative dispute resolution. In collaboration with the Disability Rights Education and Defense Fund (DREDF) and Barrier Free Environments (BFE), will conduct meetings with business and disability groups, and develop and disseminate industry-specific business "advisories", technical assistance guidelines for conducting ADA seminars, and instructional options for dispute resolution managers.

Disability Rights Education and Defense Fund (DREDF)
2212 Sixth St., Berkeley, CA 94710
ADA Hotline: (800) 466-4ADA (Voice\TDD)
(415) 644-2555 (Voice) or (415) 644-2625 (TDD)

Has established a telephone information line to answer ADA questions (emphasis on Titles II and III) and respond to requests for ADA materials. Will also conduct a seminar to train regional community-based representatives as technical assistance specialists to assist individuals with rights and responsibilities under the ADA and provide further training and resources for groups nationwide.

Center for Health Research
Eastern Washington University
MS-10, Hargreaves 217, Eastern Washington University,
Cheney, WA 99004-2415
(509) 359-6567

Will produce eight videotapes, accompanying printed materials, and a videotaped public service announcement to serve as training and resource materials for use by daycare centers. Will distribute materials nationally to daycare provider/trainers, and will conduct training for daycare providers nationwide.

Food Marketing Institute
1750 K St., N.W., Suite 700, Washington, D.C. 20006
(202) 452-8444

In conjunction with the National Center for Access Unlimited, will disseminate ADA information to grocery-chain members, conduct training seminars, publish an ADA compliance manual, and produce and staff an ADA exhibit at the Food Marketing Institute's convention in May 1992.

Foundation on Employment and Disability
3820 Del Amo Blvd, #201, Torrance, CA 90503
(213) 214-3430

Through multilingual toll-free information lines, pamphlets, articles in local publications, and presentations to community organizations, will provide written and oral information on the ADA that is understandable, linguistically and culturally, to minority communities in Los Angeles, Orange County, and San Francisco, California.

Institute for Law and Policy Planning
P.O. Box 5137, Berkeley, CA 94705
(415) 486-8352

Will produce a 30-minute broadcast-quality video and a 10 minute video on readily achievable barrier removal in places of public accommodation. Both videos will be available at the ADA Regional Disability and Business Technical Assistance Centers and other technical assistance and training projects.

National Association of Protection and Advocacy Systems
900 2nd St., N.E., Suite 211, Washington, D.C. 20002
(202) 408-9518 (Voice) or (202) 408-9521 (TDD)

Will conduct three regional "train-the-trainer" seminars that will focus on nonlitigatory dispute resolution techniques, self advocacy, and voluntary compliance. Will provide funding to twelve state Protection and Advocacy systems that will conduct statewide training. Will provide materials on ADA to national network of Protection and Advocacy service centers and Client Assistance Programs to provide direct technical assistance.

ADA Clearinghouse and Resource Center
National Center for State Courts
300 Newport Ave., Williamsburg, VA 23185
(804) 253-2000

Will disseminate information on ADA compliance to State and local court systems. Will develop a diagnostic checklist, strategies for compliance specifically relevant to State and local courts, and a model curriculum for use in the education of future judges and court administrators.

National Conference of States on Building Codes and Standards
505 Huntmar Park Dr., Suite 210, Herndon, VA 22070
(703) 437-0100

In conjunction with the Paralyzed Veterans of America (PVA), will promote the certification of State codes for equivalency with ADA standards, and encourage the development of alternative dispute resolution procedures within the existing State regulatory framework. Will promote voluntary compliance with the new construction and alterations requirements of the ADA, develop models for certification and dispute resolution, and hold a national seminar on the ADA, certification, and appeal and complaint procedures.

Information Access Project
National Federation of the Blind
1800 Johnson St., Baltimore, MD 21230
(301) 659-9314

Will assist entities covered by the ADA in finding methods for converting visually displayed information, such as flyers, brochures, and pamphlets, to formats accessible to individuals who are visually impaired. Will also serve as a resource for other grantees who are required under the terms of their grants to provide materials in nonvisually accessible formats.

National Rehabilitation Hospital
102 Irving St., N.W., Washington, D.C. 20010
(202) 877-1000 (Voice) or (202) 877-1450 (TDD)

Through seminars and written materials, will provide information on the ADA to doctors, hospitals, health care facilities, and health care consumers. Will produce an accessibility checklist, a compliance handbook for facility managers, and a brochure describing consumers rights to health care services as a part of these materials.

National Restaurant Association
1200 17th St., N.W., Washington, D.C. 20036-3097
(202) 331-5985

Will produce and distribute informational material, including a 15-minute videotape, to demonstrate ADA compliance methods for the food service industry. In conjunction with the National Center for Access Unlimited, will produce a booklet with specific self-inspection checklists, illustrative applications of ADA food service industry compliance techniques, and training for restaurant staff addressing barrier removal, alterations, new construction, communications, supportive attitudes, and dispute resolution. Will complete materials in time for the National Restaurant Association's May 1992 national convention.

Police Executive Research Forum
2300 M St., N.W., Suite 910, Washington, D.C. 20037
(202) 466-7820

In collaboration with the Epilepsy Foundation of America and Eastern Kentucky University's Police Studies Department, will develop model policies and procedures for training police and sheriff's departments on the interaction of police with individuals with disabilities. Will develop information and training materials, including a videotape, brochure, and handbook, for distribution to organizations serving police and persons with disabilities.

National Council on Disability
800 Independence Ave., S.W., Suite 814, Washington, DC 20591
(202) 267-3846 (Voice) or (202) 267-3232 (TDD)

Required by Section 507 of the ADA to conduct a study and report on the effect of wilderness designations and wilderness land management practices on the ability of people with disabilities to use and enjoy the National Wilderness Preservation

Systems. Conducts **ADA Watch** to monitor the implementation of the ADA in employment, public accommodations, transportation, and telecommunications. Develops recommendations for federal disability policy. Provides ongoing advice to the President, the Congress, the Rehabilitation Services Administration, and other federal agencies on programs authorized by the Rehabilitation Act. Establishes general policies for reviewing the operation of the National Institute on Disability and Rehabilitation Research. Reviews and approves standards for Independent Living and Projects with Industry programs. **Publications**: Quarterly newsletter; Special reports on federal laws and programs affecting persons with disabilities, the ADA, and education for students with disabilities.

Centers for Disease Control
Public Health Service
U.S. Department of Health and Human Services
Mail Stop C09, 1600 Clifton Rd., N.E., Atlanta, GA 30333
(404) 639-2237

Publishes an annually updated list of infectious and communicable diseases transmitted through the handling of food in accordance with Section 103(d) of Title I. **Publications**: Diseases Transmitted Through the Food Supply.

OTHER FEDERAL AGENCY PROGRAMS RELATED TO DISABILITY AND EMPLOYMENT

This Section summarizes other federal programs that provide information and assistance on many aspects of employing people with disabilities. Programs that operate through regional or state offices are identified with a (*) symbol, and these office locations are listed in Sections VIII-XIII.

Centers for Independent Living Program*
Rehabilitation Services Administration
U.S. Department of Education
Mary E. Switzer Building, 330 C St., S.W., Washington, DC 20202
(*See Section* XI for Centers for Independent Living in each State)

Approximately 400 Independent Living Centers, most funded by this program, provide local services and programs to enable individuals with severe disabilities to live and function independently. Centers offer individuals with disabilities a variety of services, including independent living skills training, counseling and advocacy services on income benefits and legal rights, information and referral, peer counseling, education and training, housing assistance, transportation, equipment and adaptive aid loans, personal care attendants, and vocational and employment services. Assistance available to employers includes: accessibility surveys; job analyses; advice on job accommodations, job modifications, and assistive devices; recruitment; job training; job placement and support services; information and referral to specialized technical assistance resources.

Clearinghouse on Disability Information
Office of Special Education and Rehabilitation Services
U.S. Department of Education
Switzer Bldg., Rm. 3132, Washington, DC 20202-2524
(202) 732-1241 or (202) 732-1723 (Voice/TDD)

Provides information on federal disability legislation, funding for programs serving individuals with disabilities, and programs and services for people with disabilities on the national, state, and local levels. **Publications**: Quarterly newsletter on federal activities affecting people with disabilities; Guides to disability legislation and federal resources for people with disabilities; Employment information package listing public and private organizations that assist individuals with disabilities who are seeking employment.

Client Assistance Program (CAP)*
Office of Program Operations
Rehabilitation Services Administration
U.S. Department of Education
Mary E. Switzer Building, 330 C St., S.W., Washington, DC 20202
(202) 732-1406 (Voice) or (202) 732-2848 (TDD)
(*See Section* X for State Client Assistance Program Locations)

Programs in each state provide information and assistance to individuals seeking or receiving services under the Rehabilitation Act of 1973. Investigate, negotiate, and mediate solutions to problems of applicants and clients of programs, projects, or facilities funded under the Act regarding services. Offer advice and assistance to governmental agencies and service providers, and provide legal counsel and litigation services to persons unable to obtain adequate legal services.

Developmental Disability Councils*
Administration on Developmental Disabilities
U.S. Department of Health and Human Services
200 Independence Ave., S.W., Rm. 349-F, Washington, DC 20201
(202) 245-2890 (Voice/TDD)
(*See Section* X for State Developmental Disability Council Locations)

Councils in each state provide training and technical assistance to local and state agencies, employers, and the public on improving services to people with developmental disabilities. Provide information on the ADA, and make referrals to appropriate agencies.

Education and Assistance Program for Farmers with Disabilities*
USDA Extension Service
U.S. Department of Agriculture
Washington, DC 20250-0900
(202) 720-3377
(*See Section* XIII for Project Locations)

Eight projects serving ten states provide education and technical assistance to farmers, ranchers, and other agricultural workers with disabilities for accommodating disability in agricultural operations. Provide on-site technical assistance for designing, adapting, modifying, and restructuring agricultural equipment and tools. Assist in modifying worksite operations, locations, and buildings, and with utilizing assistive technology. **Publications:** Manuals on modified and restructured agricultural tools, equipment, machinery, and buildings for agricultural workers with physical disabilities; Technical articles on health and safety risks, hand controls for agricultural equipment, improving worksite mobility, prosthetic and worksite modifications, chairlift attachments, all-terrain vehicles for physically impaired individuals, and manlift attachments for tractors and combines.

Internal Revenue Service
U.S. Department of the Treasury
1111 Constitution Ave., N.W., Washington, DC 20224
(202) 566-3292 (Voice) or (800) 829-4059 (TDD)
(800) 829-3676 (Publications and Forms)

Provides information on **tax credits** and **tax deductions** available to business for costs in complying with accommodation and accessibility requirements of the ADA and tax information for people with disabilities. For information on the **Targeted Jobs Tax Credit Program**, which offers tax incentives for hiring individuals with disabilities referred by state vocational rehabilitation or Veterans Administration programs, call (202) 566-4741. **Publications**: Publication # 907, "Tax Information for Persons with Handicaps and Disabilities," Form 8826 (ADA "Access Credit" and instructions), and information on Section 190 tax deduction may be obtained by calling the toll-free number above.

Job Training Partnership Act (JTPA) Programs*
Office of Job Training Programs
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., N.W., Rm. N-4709, Washington, DC 20210
(202) 535-0580
(*See Section* X for State "Liaisons" to Local JTPA Programs)

Established by the Job Training Partnership Act (JTPA) of 1982 to train and place "economically disadvantaged" adults and youth facing significant barriers to employment, including persons with disabilities, in permanent, unsubsidized jobs. More than 600 local JTPA programs offer individuals with disabilities who meet the Act's eligibility criteria a range of employment services, including occupational and basic skills training, job development, counseling, job search assistance, school-to-work transition, on-the-job training, and follow-up services. Programs act as a recruitment source for employers, and may offer partial funding for training costs. **Publications:** Brochure on the Job Training Partnership Act.

National AIDS Clearinghouse
P.O. Box 6003, Rockville, MD 20849-6003
(800) 458-5231 (Voice)

Primary information, publication, and referral service of the Centers for Disease Control on HIV infection and AIDS. Offers information on AIDS in the workplace, employee education programs, small business concerns, infection control, first aid, insurance, employee rights and legal issues related to the ADA. Makes referrals to providers of HIV and AIDS related services, AIDS in the workplace programs, and legal services for people with AIDS.

National AIDS Hotline
Centers for Disease Control
Public Health Service
U.S. Department of Health and Human Services
(800) 342-2437 (Voice) or (800) 243-7889 (TDD/TTY)

Operates a toll-free, twenty-four hour, National AIDS Hotline which offers free confidential information and publications on HIV infection and AIDS. Accesses database of over 10,000 local and national organizations for referrals. **Publications**: Free information on HIV, AIDS, and HIV/AIDS in the workplace.

National Clearinghouse for Alcohol and Drug Information
Office for Substance Abuse Prevention
Alcohol, Drug Abuse, and Mental Health Administration
U.S. Department of Health and Human Services
P.O. Box 2345, Rockville, MD 20852
(800) 729-6686 (Voice) or (800) 487-4889 (TDD)

Maintains largest federal collection of alcohol and other drug abuse material. Operates twenty-four hour hotline providing direct information, publications, and referral on alcohol and other drug abuse. Coordinates regional alcohol and drug abuse prevention information centers which offer support to local prevention efforts. **Publications**: Bi-monthly information service offering current information about abuse prevention; Hundreds of guides, videos, and booklets on alcohol and drug abuse issues, including employee education, substance abuse programs, drug testing, and workplace-related issues.

National Technical Information Service
U.S. Department of Commerce
5285 Port Royal Rd., Springfield, VA 22161
(703) 487-4650

Maintains worldwide database of research, development, and engineering reports on a range of topics, including architectural barrier removal, employing individuals with disabilities, alternative testing formats, job accommodations, school-to-work transition for students with disabilities, rehabilitation engineering, disability law, and transportation. Provides referral to local institutions and vendors that will perform database searches. Distributes requested publications in paper and microfiche. **Publications**: Alternative testing publications include: Guide for Administering Examinations to Handicapped Individuals for Employment Purposes; A Federal Employment Test Modified for Deaf Applicants; Statistical Characteristics of the Written Test for the Professional and Administrative Career Examination (PACE) for Visually Handicapped Applicants; Testing the Handicapped for Employment Purposes: Adaptations for Persons with Motor Handicaps.

Office of Financial Assistance
U.S. Small Business Administration
409 Third St., S.W., Eighth Fl., Washington, DC 20416
(202) 205-6490
(*See Section* IX for Small Business Administration Regional Office Locations)

Administers the Small Business Act of 1953, which provides loan programs to assist small business owners with physical disabilities. Offers loans to individuals with disabilities to establish, acquire, and operate small businesses, and loans to small businesses owned or to be owned by individuals with disabilities. Provides special small business loans to disabled and Vietnam-era veterans, to non-profit sheltered workshops and similar organizations employing people with disabilities. Provides technical assistance to individuals with disabilities, including help with bookkeeping and accounting services, production, engineering and technical advice, feasibility and marketing studies, advertising expertise, and legal services. **Publications**: Brochures on the Handicapped Assistance Loan Program.

President's Committee on Mental Retardation
330 Independence Ave., S.W., Rm. 5325, North Bldg., Washington, DC 20201-0001
(202) 619-0634

Advises and assists the President and the Secretary of Health and Human Services on issues related to mental retardation. Evaluates national, state, and local programs for individuals who are mentally retarded. Provides information and publications to the public on mental retardation and related issues. **Publications**: Reports on attitudinal barriers, employment of individuals who are mentally retarded, and community integration.

Projects with Industry
Inter-National Association of Business, Industry and Rehabilitation (I-NABIR)
P.O. Box 15242, Washington, DC 20003
(202) 543-6353

More than 125 federally-funded local Projects with Industry, which involve small businesses, major corporations, labor organizations, trade associations, foundations, voluntary agencies, and the rehabilitation community create and expand job opportunities for individuals with disabilities. Provide training and supportive services to individuals with disabilities in commercial and industrial work settings. Contact the Association for information on local projects.

Protection and Advocacy for Individual Rights (PAIR)*
Office of Developmental Programs
Rehabilitation Services Administration
U.S. Department of Education
Switzer Building, Rm. 3038
330 C St., S.W., Washington, DC 20202-2375
(*See Section* X for State Program Locations)

Program established by the Rehabilitation Act of 1973 to protect the rights of individuals with severe disabilities receiving services from federally-funded independent living centers who are not eligible for services provided by other protection and advocacy programs, and whose request for services cannot be addressed by a Client Assistance Program. Currently operating in eleven states (Arkansas, Colorado, Louisiana, Maine, Michigan, New Hampshire, New Mexico, New York, Rhode Island, South Dakota, Wisconsin) to assist qualified individuals with severe disabilities in pursuing remedies under the ADA, the Rehabilitation

Act, and the Fair Housing Act.

Protection and Advocacy for Mentally Ill Individuals (PAMII)*
National Institute of Mental Health
Alcohol, Drug Abuse and Mental Health Administration
U.S. Department of Health and Human Services
5600 Fishers Ln., Rm. 11-C-22, Rockville, MD 20857
(301) 443-3667
(*See Section* X for State Program Locations)

Established by the Protection and Advocacy of Mentally Ill Individuals Act of 1986 (reauthorized with amendments 1988, 1991) to protect the rights of persons with mental illness in public and private residential treatment facilities, including homeless shelters and jails. Independent agencies in each state pursue administrative, legal, and other appropriate remedies, and investigate incidents of abuse and neglect. Provide technical assistance, information, and referral on the ADA and other disability and mental health laws. Provide legal counsel and litigation services to mentally ill persons unable to obtain adequate legal services.

Protection and Advocacy for Persons with Developmental Disabilities (PADD)*
Administration on Developmental Disabilities
U.S. Department of Health and Human Services
(202) 245-2897 (Voice) or (202) 245-2890 (TDD)
(*See Section* X for State Protection & Advocacy Program Locations)

Established by the Developmental Disabilities Assistance and Bill of Rights Act of 1975 to protect the rights of individuals with developmental disabilities under federal and state statutes. Provides legal, administrative, and other appropriate remedies to individual problems, including those involving employment discrimination and accessibility issues. Offer technical assistance, information, and referral on the ADA and other disability law.

Social Security Administration
6401 Security Blvd., Baltimore, MD 21202
(800) 772-1213

Provides information on Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability programs that provide financial support and medicaid or medicare coverage to individuals with disabilities who are returning to work. **Publications**: Pamphlets and fact sheets on SSI and SSDI programs.

State Technology Assistance Projects*
National Institute on Disability and Rehabilitation Research
330 C St., S.W., Washington, DC 20202-2572
(202) 732-5066 (Voice) or (202) 732-5079 (TDD)
(*See Section* XII for State Program Locations)

Projects funded in 31 states provide information and technical assistance on technology, related services, and devices for individuals with disabilities. Specific services and activities of individual state projects vary considerably; they include technical assistance and public awareness programs related to assistive technology, training seminars, the development of curricula/training materials and model programs, and the provision of information and referral on assistive technology.

State Vocational Rehabilitation Services Program*
Rehabilitation Services Administration
Office of Special Education and Rehabilitative Services
U.S. Department of Education
Switzer Building, 330 C St., S.W., Rm. 3127, Washington, DC 20202-2531
(202) 732-1282 (voice/TDD)
(*See Section* X for State Vocational Rehabilitation Agency Locations)

State and local vocational rehabilitation agencies provide comprehensive services of rehabilitation, training, and job-related assistance to people with disabilities, and assist employers in recruiting, training, placing, accommodating, and meeting other employment-related needs of people with disabilities. Agencies conduct workplace accessibility surveys, job analyses that match functional abilities and limitations of individuals with disabilities to needed accommodations, and provide assistance in job restructuring, job modification, and assistive technology. Agencies may fund all or partial costs of needed training, assistive technology, or other accommodations for eligible individuals. Employment-related services to individuals with disabilities include: evaluation and assessment, vocational counseling and guidance, referral to appropriate rehabilitation technology services, physical and mental restoration services, vocational training, on-the-job training, job placement, job development, and services necessary to obtain or maintain employment.

U.S. Employment Service*
Employment and Training Administration
Department of Labor
200 Constitution Ave., N.W., Washington, DC 20210
(202) 535-0189
(*See Section* X for State Employment Service Locations)

Through more than 1,700 state and local offices nationwide, provides employment services to job seekers, including employability assessments, job counseling, occupational training referral, job placement, and trained specialists to work with the specific needs of job-seekers with disabilities. Circulates information about local, state, and national job openings, training opportunities, and occupational demand-and-supply information within particular labor markets. Assists employers in filling job vacancies with qualified individuals with disabilities, and performs eligibility certification for Targeted Jobs Tax Credit. **Publications**: Fact sheet on employment-related services for people with disabilities.

The Wage and Hour Division
Employment Standards Administration
U.S. Department of Labor
200 Constitution Ave., Room S 3516, N.W., Washington, DC 20210
(202) 523-8727

Administers regulations governing the employment of individuals with disabilities in sheltered workshops and the disabled workers industries. **Publications**: Fact sheets and guides on the employment of disabled individuals in sheltered workshops; sheltered workshop certification.

FEDERAL AND STATE AGENCIES THAT ENFORCE OTHER LAWS PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY

This section summarizes other federal and state laws that prohibit discrimination on the basis of disability and the agencies that enforce them.

SECTION 501 OF THE REHABILITATION ACT OF 1973

U.S. Equal Employment Opportunity Commission
1801 L St., N.W., Washington, D.C. 20507
(202) 663-4515 (Voice) or (202) 663-4053 (TDD)

Enforces **Section 501** which prohibits discrimination on the basis of disability in Federal employment, and requires that all Federal agencies establish and implement affirmative action programs for hiring, placing, and advancing individuals with disabilities. Oversees federal sector equal employment opportunity complaint processing system. **Publications**: Annual reports to Congress on the employment of people with disabilities in the Federal Government; A Guide for Managers and Supervisors on the Employment of People with Disabilities in the Federal Government.

SECTION 503 OF THE REHABILITATION ACT OF 1973

U.S. Department of Labor
Office of Federal Contract Compliance Programs
200 Constitution Ave., N.W., Washington, DC 20210
(202) 523-9501
(*See Section* IX for Regional Office Locations)

Enforces **Section 503** which prohibits discrimination on the basis of disability and requires federal contractors and sub-contractors with contracts of $2,500 or more to take affirmative action to employ and advance individuals with disabilities. Investigates complaints and provides technical assistance to individuals with rights and responsibilities under the Act. **Publications**: Fact sheets and articles on equal employment opportunity, affirmative action, and job accommodations for individuals with disabilities employed by federal contractors.

SECTION 504 OF THE REHABILITATION ACT OF 1973

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
P.O. Box 66118, Washington, DC 20035-6118
(202) 307-2222 (Voice) or (202) 307-2678 (TDD)

Coordinates the enforcement of **Section 504** which prohibits discrimination on the basis of disability in all federally conducted programs and activities, and in the programs and activities that receive federal financial assistance. Provides information and technical assistance on legal requirements and individual agency programs.

(The first two agencies listed below conduct the largest federally-assisted Section 504 programs, and provide technical assistance through regional field offices. The two other agencies listed provide specialized Section 504 information applicable to recipients of their financial assistance. The Department of Justice can provide guidance or referrals regarding Section 504 requirements of other federal agencies.)

U.S. Department of Education
Office for Civil Rights
400 Maryland Ave., S.W., Washington, DC 20202-2572
(202) 732-1213 (Voice) or (202) 732-1663 (TDD)
(*See Section* IX for Regional Office Locations)

Enforces **Section 504** provisions that prohibit discrimination on the basis of disability in programs and activities funded by the Department of Education. Investigates complaints and provides technical assistance to individuals and entities with rights and responsibilities under Section 504. **Publications**: Information on employment nondiscrimination in education, the rights of individuals with disabilities under Section 504, auxiliary aids and services for post secondary students with disabilities, AIDS and Section 504 in education, the Office for Civil Rights, and how to file a discrimination complaint.

U.S. Department of Health and Human Services
Office for Civil Rights
330 Independence Ave., S.W., Washington, DC 20201
(202) 619-0403 (Voice) or (202) 863-0101 (TDD)
(*See Section* IX for Regional Office Locations)

Enforces **Section 504** provisions that prohibit discrimination on the basis of disability in programs and activities funded and conducted by the Department of Health and Human Services (DHHS). Provides technical assistance to individuals and entities with rights and responsibilities under Section 504. **Publications**: Regulations on DHHS federally funded and federally conducted programs and activities; Section 504 Briefing Guide; Fact sheets on Section 504 and on AIDS.

U.S. Department of Transportation
400 7th St., S.W., Washington, DC 20590
(202) 366-9305 (Voice) or (202) 755-7687 (TDD)

Enforces **Section 504** provisions that prohibit discrimination on the basis of disability in federally assisted transportation. **Publications**: Regulations implementing Section 504 of the Rehabilitation Act.

U.S. Small Business Administration
Office of Civil Rights Compliance
409 Third St., S.W., Washington, DC 20416
(202) 205-6751
(*See Section* IX for Small Business Administration Regional Office Locations)

Enforces **Section 504** provisions that prohibit discrimination on the basis of disability by recipients of financial assistance from the Small Business Administration. Provides guidance and checklists on compliance with Section 504 by small businesses. **Publications**: Distributes ADA publications of the Equal Employment Opportunity Commission and the Department of Justice.

ARCHITECTURAL BARRIERS ACT OF 1968

U.S. Architectural and Transportation Barriers Compliance Board
1111 18th St., N.W., Suite 501, Washington, DC 20036-3894
(800) 872-2253 (Voice/TDD) (Technical Assistance)
(202) 272-5434 (Voice/TDD) (Complaints)

Enforces the **Architectural Barriers Act of 1968** which requires that certain buildings and facilities designed, constructed, altered, or leased with federal funds be accessible to people with disabilities. Investigates complaints on inaccessible facilities. Provides information and technical assistance. **Publications**: Booklets and guides on the provisions of the Architectural Barriers Act; (See also U.S. Architectural and Transportation Barriers Compliance Board listing in Section II for information on disability-related publications).

VIETNAM-ERA VETERANS' READJUSTMENT ASSISTANCE ACT OF 1974

U.S. Department of Labor
Office of Federal Contract Compliance Programs
200 Constitution Ave., N.W., Washington, DC 20210
(202) 523-9501
(*See Section* IX for Regional Office Locations)

Enforces provisions of the **Vietnam-Era Veterans' Readjustment Assistance Act of 1974** that require federal contractors and sub-contractors with contracts of $10,000 or more to take affirmative action to employ and advance veterans with disabilities and veterans of the Vietnam Era. Investigates complaints and provides technical assistance to individuals and entities with rights and responsibilities under the Act. **Publications**: Fact sheets and articles on equal employment opportunity, affirmative action, and job accommodations for individuals with disabilities employed by federal contractors.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 1990

U.S. Department of Education
Office of Special Education Programs
Mary E. Switzer Building, Rm. 3132
330 C St., S.W., Washington, DC 20202-2524
(202) 732-1241

Enforces the **Individuals with Disabilities Education Act of 1990** which gives funds to state and local school systems to provide special education services to children and youth with disabilities, and for the removal of architectural barriers. The act also requires that funding recipients make positive efforts to employ and advance qualified individuals with disabilities.

FAIR HOUSING ACT OF 1988, AS AMENDED

U.S. Department of Housing and Urban Development
Office of Fair Housing and Urban Development
451 7th St., SW, Rm. 5116, Washington, DC 20410
(202) 708-2618 (Voice) or (202) 708-1734 (TDD) (Technical Assistance)
(800) 669-9777 (Voice) or (800) 927-9275 (TDD) (Complaints)
HUD User Information Service
P.O. Box 6091, Rockville, MD 20850
(301) 251-5154 or (800) 245-2691

Enforces the **Fair Housing Act of 1988, as amended,** which prohibits discrimination against housing applicants, tenants, and buyers with physical or mental disabilities, and establishes accessibility requirements for newly constructed multi-family dwellings. **Publications**: Contact HUD User Information Service for information and publications on building technology, barrier-free access, and fair housing resources.

AIR CARRIER ACCESS ACT

U.S. Department of Transportation
400 7th St., S.W., Washington, DC 20590
(202) 366-9306 (Voice) or (202) 755-7687 (TDD)
(202) 366-2220 (Complaints regarding Air Carrier Access)

Enforces the **Air Carrier Access Act** which prohibits discrimination by air carriers against persons with disabilities. **Publications**: Regulations implementing the Air Carrier Access Act; Handbook on the rights of individuals with disabilities under the Act.

STATE LAWS PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF DISABILITY

Fair Employment Practice and Human Rights Agencies

(*See Section* X for Locations of State Fair Employment Practice and Human Rights Agencies)

Most states, and many cities and counties throughout the country, have laws prohibiting employment discrimination on the basis of disability. These laws vary in the definition of those protected, size and type of employer covered, and in their specific requirements. Most State laws are administered by a state Fair Employment Practice or Human Rights Agency; local laws are administered by similar city or county agencies. For information on city or county agencies, contact the State agency or consult a local telephone directory.

NATIONAL NON-GOVERNMENTAL TECHNICAL ASSISTANCE RESOURCES

PART TWO

SECTIONS V - VII

V. ORGANIZATIONS THAT PROVIDE SERVICES RELATED TO EMPLOYMENT OF PEOPLE WITH DISABILITIES

VI. OTHER ORGANIZATIONS WITH EXPERTISE IN SPECIFIC DISABILITIES

VII. ALTERNATIVE DISPUTE RESOLUTION RESOURCES

ORGANIZATIONS THAT PROVIDE SERVICES RELATED TO EMPLOYMENT OF PEOPLE WITH DISABILITIES

This section summarizes services of national non-governmental organizations that provide a range of services related to the employment of people with disabilities. Justice Department grantees are indicated by an (*). (Information provided by the organizations listed.)

ABILITY MAGAZINE
Jobs Information Business Service
1682 Langley, Irvine, CA 92714
(714) 854-8700 or (800) 453-JOBS

Provides an electronic "classified" system which allows employers to recruit qualified individuals with disabilities, and people with disabilities to locate employment opportunities. Through magazine, provides information on locating qualified readers, interpreters, personal assistants and assistive devices, and overcoming architectural, communications, and transportation barriers, performing job analysis, job modification, and job restructuring.

ABLEDATA
Adaptive Equipment Center
Newington Children's Hospital
181 East Cedar St., Newington, CT 06111
(203) 667-5405 (Voice/TDD) or (800) 344-5405 (Voice/TDD)

Maintains database on more than 17,000 commercially available disability-related products. Provides custom database searches for information on job or worksite modifications, job accommodations, computer accessories, assistive devices, communication, and transportation. Publishes fact sheets on accommodation products for people with disabilities, including van lifts, car seats, powered scooters, ramps, stair lifts, tilt-in-space wheelchairs, and modular seating components, which contain tips on selecting products, manufacturer locations, comparison feature charts, and related publications and audiovisual resources.

ACCENT ON INFORMATION
P.O. Box 700, Bloomington, IL 61702
(309) 378-2961

Maintains database providing information on manufacturers of disability-related products, including stairway lifts, elevators for small businesses, modified work stations, ramps, communication devices for individuals with disabilities. Publishes a guide on obtaining employment for people with disabilities.

ADAPTIVE ENVIRONMENTS
374 Congress St., Suite 301, Boston, Massachusetts 02210
(617) 695-1225 (Voice/TDD)

Conducts educational programs on accessibility for commercial public and non-commercial facilities. Reviews architectural drawings and conducts site surveys. Identifies barriers and proposes solutions for removal of those barriers. Publishes a guide on achieving physical and communication accessibility for people with disabilities.

AMERICAN AMPUTEE FOUNDATION, INC.
P.O. Box 250218, Little Rock, AR 72225
(501) 666-2523

Offers worksite inspection and evaluation services to identify and remove physical barriers to amputees. Assists employers in performing job analyses, job modifications, and job restructuring to accommodate the needs of amputees. Has local chapters.

AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE
Project on Science, Technology, and Disability
1333 H St., N.W., Washington, D.C. 20005
(202) 326-6630 (Voice/TDD)

Provides support and technical information on worksite accessibility to employers and people with disabilities in science-related fields. Offers technical assistance on architectural and program accessibility, assistive technology, job analysis, job modification, and job restructuring through consultation with scientists and engineers with disabilities in the natural, physical, social and behavioral sciences, engineering, mathematics, and medicine. Provides information on interpreters and lab assistants, and advice for designing barrier-free laboratories, work areas, and professional meetings. Refers individuals with disabilities to scientists with similar impairments in related fields for advice on job opportunities and coping strategies. Publishes a directory of scientists and engineers with disabilities, and an accessibility booklet series listing consultants who aid employment of scientists and engineers with disabilities.

AMERICAN BAR ASSOCIATION
Commission on Mental and Physical Disability Law
1800 M St., N.W., Washington, DC 20036
(202) 331-2240

Provides information and technical assistance on all aspects of disability law. Offers training to employers and individuals with disabilities on ADA history, requirements, and compliance, covering such topics as the definition of "disability," permissible hiring questions, essential job functions, medical questions and examinations, reasonable accommodation, attitudinal barriers, and architectural and design adjustments. Publishes the Mental and Physical Disability Law Reporter which addresses issues involving physical accessibility and mobility, architectural barriers, auxiliary aids and equipment, employment, and the ADA.

AMERICAN CANCER SOCIETY
National Headquarters
1599 Clifton Rd., Atlanta, GA 30329
(404) 320-3333

Refers employers to organizations offering help in recruiting qualified individuals with disabilities, and community programs offering consultation and technical assistance to cancer patients, survivors, and their families. Publishes information on the employment of cancer patients and survivors, covering such topics as hiring strategies, reasonable accommodation, insurance, and employment discrimination. Has local affiliates.

AMERICAN CHEMICAL SOCIETY
Committee on Chemists with Disabilities
1155 16th St., N.W., Washington, DC 20036
(202) 872-4432 (Voice) or (202) 872-4438 (Voice/TDD)

Helps employers prevent and remove physical and attitudinal barriers affecting individuals with disabilities in chemistry and related sciences. Provides information on improved services to chemists with disabilities, including TDD phone services, electronic bulletin boards, and on-line services. Offers career counseling and job placement services to members, and maintains an employment clearinghouse and professional data bank for use by members and employers. Has local sections.

AMERICAN CIVIL LIBERTIES UNION AIDS PROJECT
132 West 43rd St., New York, NY 10036
(212) 944-9800

Operates the ADA Education Project which provides information on ADA provisions, particularly as they pertain to individuals with AIDS and HIV. Provides training on the ADA to organizations and businesses. Publishes pamphlets and other materials on the ADA and its impact on individuals with AIDS and HIV.

AMERICAN COUNCIL OF THE BLIND
1155 15th St., N.W., Suite 720, Washington, DC 20005
(202) 467-5081 or (800) 424-8666 (3:00-5:30 PM EST)

Provides information on topics affecting the employment of individuals who are blind, including job seeking strategies, job accommodations, electronic aids, and employment discrimination. Makes referrals to public, private, and volunteer service providers, and provides information on job openings for individuals who are blind and visually impaired. Maintains special interest affiliates for blind professionals. Offers free legal assistance in employment discrimination cases. Publishes a bi-monthly news magazine which reviews new and current assistive technology. Has local affiliates.

AMERICAN FOUNDATION FOR TECHNOLOGY ASSISTANCE
Rt. 14, Box 230, Morganton, N.C.
(704) 438-9697

Maintains database of providers of adaptive and assistive technology for individuals with disabilities, and sources of financial aid for procuring "essential and special needs" products. Provides case-by-case needs evaluations, and assistance in selecting appropriate products, services, and training, through staff of volunteer professionals in Neurophysiology, Speech/Hearing/Communications, Visual Impairment Training, Occupational Therapy, Physical Therapy, Vocational Rehabilitation, and Electronics and Mechanical Engineering. Conducts training on use of adaptive and assistive computer programs and equipment. Offers discounts on new and used technology, and funding for essential or adaptive technology through low and no interest loans, grants, special procurement programs, and programs with local lending institutions.

AMERICAN FOUNDATION FOR THE BLIND*
15 West 16th St., New York, NY 10011
(212) 620-2000 (Voice) or (212) 620-2158

Provides information and referral to employers and individuals with disabilities on adaptive and assistive technology and worksite modifications for persons who are blind and visually impaired. Evaluates, adapts, and manufactures assistive devices and products. Provides educational and informational materials on employment training programs for visually impaired persons, and on the work experiences of blind and visually impaired professionals in a variety of fields. Promotes networking and mentorship opportunities by matching individuals who are blind and visually impaired through a national database.

THE AMERICAN INSTITUTE OF ARCHITECTS
1735 New York Ave., N.W., Washington, DC 20006
(202) 626-7300

Teaches creative, cost-effective methods of modifying job-sites to accommodate people with disabilities, and makes referrals to local architects with expertise in barrier-free design. Provides workshops, seminars, and technical materials to architects and their clients on ADA compliance and barrier-free worksites. Publishes bibliographic information on barrier-free design and worksite accommodations, ADA Technical Assistance Kits, and ADA compliance information. Has local chapters.

AMERICAN NATIONAL STANDARDS INSTITUTE
11 West 42nd St., New York, NY 10036
(212) 642-4900

Provides information on architectural accessibility standards. Publishes guides on making buildings and facilities accessible and usable by individuals with physical disabilities.

THE AMERICAN OCCUPATIONAL THERAPY ASSOCIATION
1383 Piccard Dr., P.O. Box 1725, Rockville, MD 20849-1725
(301) 948-9626

Refers employers and individuals with disabilities to occupational therapists with expertise on the ADA, for help with performing job analyses, identifying job accommodations and modifications, developing job descriptions, modifying job sites; identifying adaptive devices and equipment, acquiring auxiliary aids; identifying architectural barriers, and for providing sensitivity training. Publishes resource guides on architectural and accessibility modifications, assistive technology, adaptive equipment, rehabilitation, and disability. Has local chapters.

AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION
10801 Rockville Pike, Rockville, MD 20852
(301) 897-5700 (Voice)
Helpline (800) 638-8255 (Voice/TDD)

Provides information and technical assistance on overcoming communications barriers. Provides information on communication problems, interpreters, assistive devices, hearing aids, job modifications, job analysis, job restructuring, and the ADA.

THE ARC (Formerly Association for Retarded Citizens)*
500 East Border St., Suite 300, Arlington, TX 76010
(817) 261-6003 (Voice) or (817) 277-0553 (TDD)

Aids the employment of people with mental retardation by providing information and on-site technical assistance to employers who hire, train, and retain mentally retarded workers. Provides partial reimbursements to employers for training costs, and advice on supervising techniques. Maintains information on model programs, and assists in the development of local employment programs. Provides workshops on job analysis, modification, and restructuring. Publishes written materials and videos featuring the positive work experiences of mentally retarded employees and their employers. Has local chapters.

ARTHRITIS FOUNDATION
1314 Spring St., N.W., Atlanta, GA 30309
(404) 872-7100 or (800) 283-7800

Provides information and referral on issues involving the employment of individuals with arthritis, including job placement, vocational rehabilitation, career counseling, job accommodations, and assistive technology. Helps people with arthritis and lupus obtain and retain employment. Publishes information on job-seeking skills, job analysis, worksite accommodations and modifications, assistive devices, special equipment, and vocational aids. Has local chapters.

THE ASSOCIATION FOR PERSONS IN SUPPORTED EMPLOYMENT
5001 West Broad St., Suite 34, Richmond, VA 23230
(804) 282-3655 (Voice) or (804) 282-2513 (Fax)

Helps employers utilize subsidized "supported employment" programs by matching individuals with severe disabilities to employers after careful evaluations of the needs of each. Offers assistance with job analysis and job development Makes referrals to other supported employment resources. Through the use of job coaches, provides on-going support for the worker with a disability. Provides training for individuals with disabilities and family members on Social Security work incentives. Has state chapters.

ASSOCIATION ON HANDICAPPED STUDENT SERVICE PROGRAMS IN POSTSECONDARY EDUCATION
P.O. Box 21192, Columbus, Ohio 43221-0192
(614) 488-4972 (Voice/TDD) or (614) 488-1174 (Fax)

Provides information on readers, interpreters, personal assistants, and assistive devices for people with disabilities, and information on job analysis, job modification, and restructuring. Offers information on overcoming architectural, communications, transportation, and attitudinal barriers. Provides on-site accessibility inspections and technical assistance. Offers recruitment opportunities for employers, through database featuring resumes of over 5,000 students with disabilities. Publishes information on reader/taping services and testing accommodations.

ASTHMA AND ALLERGY FOUNDATION OF AMERICA
1125 Fifteenth St., N.W., Suite 502, Washington, DC 20005
(202) 466-7643 or (800) ASTHMA

Provides general information on asthma and allergies, and chemical allergens and asthma triggers that may be found in the workplace. Offers a video on auxiliary inhalation devices. Has local affiliates.

AUTISM SOCIETY OF AMERICA
8601 Georgia Ave., Suite 503, Silver Spring, MD 20910
(301) 565-0433

Provides information and referral on legislation affecting individuals with disabilities, and offers legal assistance to individuals with autism. Provides information on the employment of adults with autism, including performing job analyses, making workplace modifications, and restructuring jobs for autistic employees. Provides information and publications on the social behavior of individuals with autism, overcoming communications barriers, and supported employment programs. Has local chapters.

BARRIER FREE ENVIRONMENTS, INC.
P.O. Box 30634, Highway 70 West-Watergarden, Raleigh, NC 27622
(919) 782-7823 (Voice/TDD)

Provides consultation and technical assistance on accessibility design at all stages of construction planning or product development. Conducts on-site accessibility surveys, product evaluations, and worksite modifications, and provides cost-effective accommodation and barrier removal solutions. Offers seminars, workshops, and publications on accessible and universal design, and information on design standards for all national and federal legislation mandating building and program accessibility.

BREAKING NEW GROUND RESOURCE CENTER
Purdue University, 1146 Agricultural Engineering Building
West Lafayette, IN 47907-1146
(317) 494-5088 (Voice) or (317) 494-5088 (TDD)

Provides information and referral to local technical assistance programs on making agricultural tools, equipment, buildings, and worksites accessible to people with disabilities. Offers advice and referral for modifying and restructuring job functions in farming, ranching, and agricultural-related occupations, and for locating assistive devices, readers, interpreters, and personal assistants. Distributes publications on health and safety risks, hand controls for agricultural equipment, prosthetic and worksite modifications, chairlift attachments, all-terrain vehicles for physically impaired individuals, manlift attachments for tractors and combines, ramp construction in rural settings, modifications to self-propelled agricultural machines, and arthritis.

THE CAPTION CENTER
125 Western Ave., Boston, MA 02134
(617) 492-9225 (Voice/TDD) or (617) 562-0590 (Fax)

Provides closed captioning for videos, including training, safety, instructional, and educational films. Maintains a consumer information service for overcoming communications barriers in the workplace.

DIRECT LINK FOR THE DISABLED
P.O. Box 1036, Solvang, CA 93464
(805) 688-1603

Provides technical assistance for making job accommodations and worksite adaptations for individuals with disabilities. Maintains database providing information on financial assistance, attendant care services, adaptive equipment, transportation, job training, job placement services, and vocational rehabilitation. Provides custom information searches of both private and governmental employment resources for people with disabilities on the local, state, and national levels. Makes referrals to organizations and publications addressing architectural, communications, and transportation barriers. Offers free video on removing employment barriers to people with disabilities.

DISABILITY RIGHTS EDUCATION AND DEFENSE FUND, INC.*
2212 6th St., Berkeley, CA 94710
(510) 644-2555 (Voice/TDD)

Provides technical assistance and information to employers and individuals with disabilities on disability rights legislation and policies. Offers training and presentations to businesses, public entities, and disability groups on ADA provisions and other state and federal laws. Provides legal representation to individuals with disabilities in both individual and class action cases involving rights in employment, education, transportation, housing, and public accommodations.

DISABLED AMERICAN VETERANS
807 Maine Ave., SW, Washington, DC 20024
(202) 554-3501 (Voice/TDD)

Advises veterans of their rights, and employers of their obligations, under the Rehabilitation Act, the Americans with Disabilities Act, and legislation governing the employment and training of Vietnam era veterans with disabilities. Provides information on recruitment sources for veterans with disabilities, and on removing architectural barriers, providing reasonable accommodations, and locating assistive devices. Makes referrals to providers of qualified readers, interpreters, and personal assistants. Has local chapters.

THE ELECTRONIC INDUSTRIES FOUNDATION
919 18th St., N.W., Suite 800, Washington, DC 20006
(202) 955-5820 (Voice/TDD) or (202) 955-5836 (TDD)

Offers information and technical assistance to both employers and people with disabilities in the electronics industry. Assists with job analyses, modifications, and restructuring, job accommodations, special equipment, sensitivity training, and ADA compliance. Provides information and referral for overcoming architectural, communications, and transportation barriers, and locating interpreters. Provides job search counseling, job-seeking skills training, job clubs, placement and referral services, and corporate-site training to people with disabilities. Works directly with employers to assess job functions and match qualified, pre-screened candidates to employment positions. Publishes information on sources of financial assistance, including tax exemptions, loans, insurance reimbursements, subsidies, and Veterans Administration funding. Has local affiliates.

EPILEPSY FOUNDATION OF AMERICA*
4351 Garden City Dr., Landover, Maryland 20785
(301) 459-3700 or (800) EFA-1000 (Voice/TDD)

Maintains network of local employment assistance programs, which provide education and support to employers on epilepsy and employment issues, job accommodations, job modifications, and restructuring, and sensitivity training on epilepsy and epileptic seizures. Also provides job-seeking skills training, employment referrals, job clubs, mediation, and legal advocacy to individuals with epilepsy. Publishes information on epilepsy in the workplace, and legal rights of individuals with epilepsy. Has local affiliates.

FOUNDATION FOR TECHNOLOGY ACCESS
1307 Solano Ave., Albany, CA 94706-1888
(415) 528-0747

Provides information, consultation, and technical assistance on assistive technology for people with disabilities, including computer hardware and software technology, and adaptive and assistive equipment. Makes referrals to local providers of qualified readers, interpreters, personal assistants, financial aid, employment services, and state agencies that will assist with job analysis, job modification and restructuring. Publishes information on the employment of people with disabilities.

GALLAUDET UNIVERSITY*
National Information Center on Deafness
Kendall Green, 800 Florida Ave., NE, Washington, DC 20002
(202) 651-5051 (Voice) or (202) 651-5052 (TDD)

Provides information on deafness, hearing loss, and national programs and services offered to deaf and hard of hearing persons. Offers information on assistive devices for overcoming communication barriers, and maintains a list of assistive device demonstration centers around the country. Makes referrals to providers of communication, computer, and alerting devices. Offers information on TDD's, communicating with people who are deaf and hearing impaired, sign language books, videos, and classes, interviewing deaf job applicants, and the employment of deaf people.

GAZETTE INTERNATIONAL NETWORKING INSTITUTE
5100 Oakland Ave., #206, St. Louis, MO 63110
(314) 534-0475

Provides information on living and working with the late effects of polio (post-polio syndrome) to employers and individuals with polio. Provides information on individuals successfully employed while living ventilator-assisted, and on current adaptive equipment. Has local sub-units.

GOODWILL INDUSTRIES OF AMERICA, INC.*
9200 Wisconsin Ave., Bethesda, MD 20814-3896
(301) 530-6500 (Voice) or (301) 530-0836 (TDD)

Provides technical assistance to employers on low-cost barrier removal strategies, reviewing personnel policies and employment practices, and performing job analyses, job modifications, and restructuring. Locates qualified readers, interpreters, personal assistants, and assistive devices. Provides ADA and sensitivity training to employers. Works cooperatively with employers to place qualified individuals with disabilities in jobs, and offers job seeking skills training and placement services to individuals with disabilities. Provides information and assistance on vocational assessment and evaluation, work adjustment, sheltered, transitional, and supported employment, and vocational rehabilitation. Disseminates publications on community-based rehabilitation programs and federal funding. Has local affiliates.

HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS
111 Middle Neck Rd., Sands Point, NY 11050
(516) 944-8900 (Voice/TDD)

Provides job placement for deaf-blind individuals, and on-site support services for employers and employees. Offers information and referral for locating qualified readers, interpreters, personal assistants, and assistive devices, and for overcoming architectural, communications, and transportation barriers. Provides consultation on job analyses, modifications, and restructuring, and technical assistance in making simple job accommodations. Disseminates video which dispels myths about people with deaf-blindness. Has regional offices and local affiliates.

INDUSTRY-LABOR COUNCIL
National Center for Disability Services
201 I.U. Willets Rd., Albertson, NY 11507-1599
(516) 747-5400 (Voice) or (516) 747-5355 (TDD)

Helps the business community develop effective, low-cost corporate policies and practices for integrating people with disabilities in the workplace. Provides on-site assessment of architectural, communications, and transportation barriers, and develops cost-effective solutions to overcoming them. Responds to inquiries about specialized equipment, assistive devices, community resources, and helps make recruitment practices, application forms, job interviews, and employment testing accessible to people with disabilities. Offers consultation on job analysis, modification, and restructuring, and staff training to employers on successfully hiring, managing, supervising and working with individuals with disabilities. Provides job-seeking skills training, job clubs, and placement services to people with disabilities. Has local members.

INSTITUTE FOR HUMAN RESOURCE DEVELOPMENT, INC.
Connecticut Rehabilitation Engineering Center
78 Eastern Blvd., Glastonbury, CT 06033
(203) 659-1166 and (203) 657-9954 (Voice) or (203) 657-8418 (TDD)

Accesses information database featuring assistive technology products, and offers referral to vendors, repair sites, consultants, and rehabilitation technology services. Helps identify and remove architectural, communications, and transportation barriers, and assists with job analyses, modifications, and restructuring. Locates qualified readers, interpreters, and personal assistants, and provides training workshops on rehabilitation technology, workplace accessibility, technology information resources, and the ADA. Offers publications on selecting and funding assistive technology products, supported employment, and school-to-work transition. Provides information and assistance to entrepreneurs with disabilities on small business ownership.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS
Center for Administering Rehabilitation and Employment Services
1300 Connecticut Ave., N.W., Washington, DC 20036
(202) 857-5173 (Voice/TDD)

Provides orientation to employers and supervisors about the employment of individuals with disabilities, and offers technical assistance on the ADA. Performs job modifications for employers, and provides advice and referral for removing architectural barriers. Works with employers to place qualified individuals with disabilities in jobs, and provides follow-up support services for both the employer and employee. Conducts job assessments, job development, and vocational training for individuals with disabilities. Locates qualified readers, interpreters, personal assistants and assistive devices through State Rehabilitation Agencies. Distributes publications and videos on employment and disability.

LEGAL ACTION CENTER
236 Massachusetts Ave., N.E., Suite 510, Washington, D.C. 20002
(202) 544-5478 or (202) 544-5712 (Fax)

Provides technical assistance and education programs for employers and employees on ADA issues related to individuals with drug and alcohol abuse and HIV disease. Helps employers implement nondiscriminatory policies and assists employees who have been discriminated against. Distributes publications on the ADA relating to drug or alcohol abuse and HIV disease.

MAINSTREAM, INC.
3 Bethesda Metro Center, Suite 830, Bethesda, MD 20814
(301) 654-2400 (Voice/TDD) or (301) 654-2401 (Voice/TDD)

Provides on-site accessibility surveys and job analyses, and offers advice on cost-effective accommodations for people with disabilities. Conducts sensitivity training for employers, and assists in the development of non-discriminatory employment policies. Provides career counseling, job seeking skills training, job placement, and job development for individuals with disabilities. Offers publications on the employment of people with arthritis, visual impairments, cancer or cancer histories, cerebral palsy, hearing impairments, mental illness and retardation, paraplegia, quadriplegia, heart disease, epilepsy, and diabetes. Also provides publications on interviewing job applicants with disabilities, fire safety, computer equipment, supervisory techniques, drug and alcohol abuse, financial incentives, accessibility checklists, and architectural barriers and workplace accommodations.

MENTAL HEALTH LAW PROJECT
1101 15th St., NW, Suite 1212, Washington, DC 20005
(202) 467-5730 (Voice) or (202) 467-4232 (TDD)

Trains employers on their legal responsibilities under the ADA and other laws protecting people with mental disabilities. Identifies job and worksite accommodations, and provides technical assistance upon request.

NATIONAL ALLIANCE OF BUSINESS
1201 New York Ave., N.W., Washington, DC 20005
(202) 289-2905 (Voice) or (202) 289-2977 (TDD)

Provides information to employers on effective workforce strategies for individuals with disabilities. Helps employers perform job analyses, job modifications, and job restructuring, and assists in the establishment of employment policies and procedures that comply with the ADA. Refers employers to organizations specializing in architectural, communications, and transportation barrier removal. Assists employers in utilizing publicly funded job training and tax credit programs, and in developing targeted training programs for individuals with disabilities. Provides information the ADA, and referral to agencies and organizations providing services to people with disabilities, providers of qualified readers, interpreters, personal assistants, and assistive devices. Publishes a resource guide on the ADA for small and medium size business owners. Has regional offices.

NATIONAL AMPUTATION FOUNDATION, INC.
12-45 150th St., Whitestone, NY 11357-1790
(718) 767-0596 (Voice) or (718) 767-3103 (Fax)

Provides information and services to veteran and civilian amputees, including legal counsel, vocational guidance, job training, and job placement. Works with employers to provide jobs to amputees.

NATIONAL BRAILLE ASSOCIATION
1290 University Ave., Rochester, NY 14607
(716) 473-0900

Transcribes manuals and other career-related materials for blind and visually impaired employees. Maintains collection of brailled technical and vocational information.

NATIONAL BRAILLE PRESS
88 St. Stephen St.
Boston, MA 02115
(617) 266-6160

Provides braille printing services for large publication orders. Offers a free list of organizations that braille individual documents or small publication orders. Produces and disseminates brailled publications, including a guide for blind job seekers, brailled business cards, and reference cards for computer software, including Lotus 1-2-3, WordPerfect 5.1, Microsoft Word, Dos, ProComm, QWERTY, dBase.

NATIONAL CAPTIONING INSTITUTE
5203 Leesburg Pike, Falls Church, VA 22041
(703) 998-2400 (Voice/TDD)

Captions video productions, including hiring, training, educational, and instructional materials for internal and external use. Provides caption decoders and personal listing systems (infrared headsets) which assist hearing impaired employees in performing job functions. Offers annual newsletter and product literature on decoders and personal listening systems.

NATIONAL CENTER FOR ACCESS UNLIMITED
155 North Wacker Dr., Suite 315, Chicago, IL 60606
(312) 368-0380 ext. 49 (Voice) or (312) 368-0179 (TDD)

Provides consultation, education, information, training, and technical assistance to business, industry, and non-profit agencies on meeting ADA requirements for accessible work environments for people with disabilities. Develops accessibility checklists, inspects existing and future worksites, and conducts plan reviews for identifying physical and structural barriers. Offers practical ideas for immediate, low-cost accessibility improvements. Locates qualified readers, interpreters, personal assistants, and assistive devices, and offers consultation on overcoming communications and transportation barriers. Provides training on ADA requirements, accessibility solutions, and attitudinal training.

NATIONAL CENTER FOR LAW AND DEAFNESS
800 Florida Ave., N.E., Washington, DC 20002
(202) 651-5373 (Voice/TDD)

Provides legal education on current and upcoming federal and state laws affecting individuals who are deaf or hard of hearing. Offers advice, technical assistance, and representation in solving legal problems to individuals who are deaf and hard of hearing. Provides information and publications on issues affecting individuals who are deaf and hard of hearing, including the ADA, employment, interpreters, and TDD's.

NATIONAL CENTER FOR LEARNING DISABILITIES
99 Park Ave., New York, New York 10016
(212) 687-7211 or (212) 370-0837 (Fax)

Provides information, referral, public education and education and outreach programs on learning disabilities. Provides technical assistance on school to work transition, and referral to state employment services, Job Training Partnership Act (JTPA) programs, and rehabilitation services. Publishes an annual magazine, quarterly newsletters, articles, handbooks, and a visual series and workbook on issues related to learning disabilities.

NATIONAL CENTER ON EMPLOYMENT OF THE DEAF
National Technical Institute for the Deaf
Rochester Institute of Technology (RIT)
One Lomb Memorial Dr., P.O. Box 9887, Rochester, NY 14623-0887
(716) 475-6834 (Voice) or (716) 475-6205 (TDD)

Offers training and consultation on conducting job interviews with deaf applicants, making training and worksite modifications and accommodations, communicating effectively, integrating and working with deaf employees, and supervising deaf employees. Offers a career development workshop for deaf professionals, employment referral for RIT students, and campus recruiting opportunities for employers. Provides information on overcoming architectural, communications, and transportation barriers, and on performing job analysis, modifications, and restructuring. Distributes videotapes on career exploration for deaf students, and manuals for employers of deaf individuals.

NATIONAL CLEARINGHOUSE OF REHABILITATION TRAINING MATERIALS
Oklahoma State University, 816 West 6th St., Stillwater, OK 74078
(405) 624-7650

Provides referral to publications addressing employment-related disability issues, such as job accommodations, assistive technology, job seeking and interviewing skills, job placement, ADA employment requirements, supervisory techniques, computer applications, and interpreter education.

NATIONAL DIABETES INFORMATION CLEARINGHOUSE
Box NDIC, 9000 Rockville Pike, Bethesda, MD 20892
(301) 468-2162

Provides general information to employers and diabetics about diabetes, its management, and the employment of people with diabetes.

NATIONAL DOWN SYNDROME CONGRESS
1800 Dempster St., Park Ridge, IL 60068
(800) 232-6372

Provides general information on Down Syndrome and the employment of individuals with Down Syndrome. Makes referrals to businesses who currently maintain job training programs for individuals with Down Syndrome, and provides job training and supported employment programs for individuals with Down Syndrome. Offers information and technical assistance on job accommodations for individuals with Down Syndrome, including the use of job coaches. Distributes pamphlets and bibliographic information on publications addressing Down Syndrome and the employment of individuals with Down Syndrome. Has local parent groups.

NATIONAL EASTER SEAL SOCIETY*
70 East Lake St., Chicago, IL 60601
(312) 726-6200 (Voice) or (312) 726-4258 (TDD)

Through local affiliates, provides technical assistance and referral to employers and individuals with disabilities on such topics as assistive technology, vocational training and rehabilitation, job site analysis, and job function analysis. Distributes an ADA checklist for employers, and an illustrated guide to job accommodations and assistive technology, and publications and videos on reasonable accommodation, disability awareness, and the ADA. Offers video entitled Part of the Team: People with Disabilities in the Workforce.

NATIONAL FEDERATION OF THE BLIND*
Job Opportunities for the Blind
1800 Johnson St., Baltimore, MD 21230
(800) 638-7518 or (301) 659-9314

Assists in locating and hiring qualified blind applicants, and offers information and seminars for employers and hiring personnel on the ADA, interviewing blind job applicants, and working with blindness. Provides publications on technical assistance for employers, and offers consultation on cost-effective reasonable accommodations. Offers career planning seminars for unemployed blind individuals on job seeking skills, networking, computer-related technology, and employment rights. Brailles and records employment-related materials for blind job applicants, and publishes listings of job openings. Has local chapters.

NATIONAL HEAD INJURY FOUNDATION, INC.
1140 Connecticut Ave., NW, Suite 812, Washington, DC 20036
(202) 296-6443 or (800) 444-6443 (family/survivor helpline)

Provides informational services and resources on traumatic brain injury. Offers employment-related publications on vocational rehabilitation, job seeking skills, job placement, return-to-work and employment issues, and adaptive work behaviors for victims of traumatic brain injury. Has local associations.

NATIONAL INDUSTRIAL REHABILITATION CORPORATION
6797 North High St., Suite 210, Worthington, OH 43085
(614) 785-1664

Provides information and consultation on managing chronic illness, disability, and work-related injury in the workplace. Helps employers with job analysis, accommodations, modifications, and restructuring, transitional employment, re-assignment, and flex-time strategies. Increases awareness and understanding of disability issues among employers, and assists employers in identifying physical and attitudinal barriers which impede an employee's timely return to work.

NATIONAL INDUSTRIES FOR THE BLIND
524 Hamburg Turnpike, CN969, Wayne, New Jersey 07474-0969
(201) 595-9200

Refers employers and blind individuals to local organizations providing technical assistance, employee recruitment, job placement, evaluation, training, and related services. Assists employers with job analysis, modification, and restructuring. Locates qualified readers, interpreters, personal assistants, and assistive devices. Operates internship program for legally blind college graduates in business-related fields. Has local affiliates.

NATIONAL INFORMATION CENTER FOR CHILDREN AND YOUTH WITH DISABILITIES
P.O. Box 1492, Washington, DC 20013
(703) 893-6061 (Voice) or (703) 893-8614 (TDD)
(800) 999-5599 (Voice)

Maintains database containing up-to-date information on disability topics. Disseminates information on model workplace modifications and locating assistive devices. Provides information on companies, programs, and organizations that have employees with disabilities, and on effective school-to-work transition practices for young people with disabilities. Provides referrals for overcoming architectural and transportation barriers, and for obtaining financial assistance.

NATIONAL LEADERSHIP COALITION ON AIDS
1730 M St., N.W., Suite 905, Washington, DC 20036
(202) 429-0930

Provides information on AIDS and HIV infection, and assists with identifying accommodations in the workplace. Conducts outreach and technical assistance programs for minority and small business owners. Publishes information for employers on AIDS in the workplace.

NATIONAL MENTAL HEALTH ASSOCIATION
1021 Prince St., Alexandria, VA 22314
(703) 684- 7722

Offers information and assistance to employers who have questions or concerns or about employing people with mental disabilities. Provides numerous resource materials on the employment of people with mental disabilities, including materials on job application procedures, and pre-employment inquiries, and medical examinations. Offers resource materials on job restructuring, flextime, quiet workspaces, and other accommodations for persons with mental disabilities. Offers information and consultation to people with mental disabilities on employment-related issues. Provides publications on the ADA and its impact on people with mental illness. Has local affiliates.

NATIONAL MULTIPLE SCLEROSIS SOCIETY
733 Third Ave., New York, NY 10017
(212) 986-3240

Provides employment-related information and services to employers and people with multiple sclerosis. Offers sensitivity and ADA training, and consultation regarding job accommodations for workers with MS to employers. Provides equipment assistance and information on overcoming architectural, communications, and transportation barriers. Holds employment conferences and "JOB RAISING" programs to help people with MS find and maintain work. Offers information on employment issues relating to MS. Has local chapters.

NATIONAL ORGANIZATION ON DISABILITY
910 16th St., N.W., Rm. 600, Washington, DC 20006
(202) 293-5960 (Voice) or (202) 293-5968 (TDD) or 1-800-248-ABLE

Administers a community-based network of more than 2,200 towns, cities, and counties established to improve the participation of people with disabilities in community life. Works with "Business Partners" to expand opportunities for people with disabilities. Offers technical assistance to local communities and shares information about successful programs. Maintains a clearinghouse which disseminates information about community projects and available resources. Publishes a quarterly REPORT, a newsletter for employers highlighting model employment programs for people with disabilities, and how-to guides on volunteerism and media. Has state representatives and local community partners.

NATIONAL REHABILITATION ASSOCIATION
1910 Association Dr., Suite 205, Reston, VA 22091
(703) 715-9090 (Voice) and (703) 715-9209 (TDD)

Provides referral to more than 400 trained accessibility surveyors across the country, who can assist employers in meeting ADA accessibility guidelines, removing physical and attitudinal barriers, conducting accessibility surveys, or training employers to conduct such surveys. Offers training programs addressing attitudinal barriers to the employment of people with disabilities. Publishes guidelines on accessibility. Has local chapters.

NATIONAL REHABILITATION HOSPITAL*
Rehabilitation Engineering Program
102 Irving St., NW, Washington, DC 20010
(202) 877-1932 (Voice) or (202) 726-3996 (TDD)

Provides information on worksite evaluation, adaptation, accommodation, and restructuring, job analysis, architectural accessibility resources, and identifying, procuring, and funding assistive technology for people with disabilities. Maintains database of assistive technology, and offers product comparisons and evaluations. Provides information on implementing immediate, cost-effective workstation adaptations for individuals with neuromuscular, auditory, and visual disabilities. Distributes a guide to making informed choices about assistive technology.

NATIONAL SPINAL CORD INJURY ASSOCIATION
600 West Cummings Park, Suite 2000, Woburn, MA 01801
(617) 935-2722 and (800) 962-9629

Provides information and referral on job analysis, job modifications, job accommodations, job restructuring, new technology, and adaptive equipment for individuals with spinal cord injuries. Offers information and referral services to individuals with disabilities seeking career information, information on job seeking skills, information on job training, and assistive technology. Provides information on ADA and employment. Provides information and referral on architectural modifications and building codes.

Distributes a National Resource Directory that has a section on employment. Has local affiliates.

PARALYZED VETERANS OF AMERICA
801 18th St., NW, Washington, DC 20006
(202) 872-1300 (Voice) or (202) 416-7622 (TDD)

Provides consultation and technical assistance to businesses for solving project-specific problems related to architectural accessibility. Provides on-site assessments and recommendations for removing or avoiding physical barriers, and distributes information on tax incentives for improved accessibility. Has local chapters.

REGISTRY OF INTERPRETERS FOR THE DEAF
8719 Colesville Rd., Suite 310, Silver Spring, MD 20910-3919
(301) 608-0050 (Voice/TDD)

Prepares and distributes a national registry of certified interpreters of American Sign Language and transliterators of English. Offers information on locating and using interpreter and transliteration services, and operates a grievance system for consumers. Distributes state listings of training programs for interpreters, and national and state organizations working with deaf and hearing impaired individuals. Has local chapters.

REHABDATA
National Rehabilitation Information Center
8455 Colesville Rd., Suite 935, Silver Spring, MD 20910-3319
(800) 346-2742 or (301) 588-9284 (Voice/TDD)

Maintains database of over 20,000 entries covering disability and rehabilitation research literature, including citations to reports from assistive technology centers sponsored by the National Institute for Disability and Rehabilitation Research, and audiovisual materials. Accepts search requests through TDD, electronic bulletin boards, and other alternative methods.

RESNA
1101 Connecticut Ave., N.W., Suite 700, Washington, D.C. 20036
(202) 857-1199

Provides information on rehabilitation engineering, including modifying equipment and designing new devices for people with disabilities. Makes referrals to local rehabilitation experts. Publishes a bimonthly newsletter and information on assistive technology.

RESOURCES FOR REHABILITATION
33 Bedford St., Suite 19A, Lexington, MA 02173
(617) 862-6455

Conducts training programs for employers and staff on the needs of individuals with disabilities and available resources available for meeting them. Helps employers conduct needs assessments and devises strategies to recruit and accommodate employees with disabilities. Trains individuals with disabilities on utilizing services and resources that promote workplace independence. Publishes resource guides with information on qualified readers, interpreters, personal assistants, and assistive technology. Provides information on overcoming architectural, communications, and transportation barriers.

SELF HELP FOR HARD OF HEARING PEOPLE, INC.
7800 Wisconsin Ave., Bethesda, MD 20814
(301) 657-2249 (Voice/TDD)

Offers information and referral on assistive technology and job accommodations for hearing impaired individuals. Maintains Assistive Devices Demonstration Center, featuring phone adaptations, visual alerts, TDD's, interpreter services, captioning and decoders for televisions and VCR's, computer assisted note taking devices, and FM system conference mikes. Makes referrals to job placement services, state vocational rehabilitation offices, and organizations that perform job analyses, modifications, and restructuring. Provides employment-related resources and publications on telephone strategies, sensitizing staff, communicating effectively, assistive listening systems and devices, safety devices, speech set-ups, and large-room listening systems. Offers "accessibility stickers" denoting communication accessibility and availability of assistive devices. Has local chapters.

SPINA BIFIDA ASSOCIATION OF AMERICA
1700 Rockville Pike, Suite 250, Rockville, MD 20852
(301) 770-7222 and (800) 621-3141 (Voice) or (301) 881-3392 (Fax)

Provides employers with up-to-date information on all aspects of Spina Bifida. Gives information and referral on a range of topics, including personal assistants, assistive devices, overcoming architectural and transportation barriers, job modification, job analysis, job restructuring, and the ADA. Offers publications on employment and Spina Bifida, and ADA issues in employment, public accommodations, and transportation. Has local affiliates.

TELECOMMUNICATIONS FOR THE DEAF, INC.
8719 Colesville Rd., Suite 300, Silver Spring, MD 20910
(301) 589-3786 (Voice) or (301) 589-3006 (TDD)

Acts as a clearinghouse for technology and information services in the field of visual telecommunication. Provides information and referral on assistive devices to overcome communication barriers, including TDD's, emergency access services, visual alerting systems, and dual party relay services. Publishes a directory listing of businesses with TDD numbers. Provides training in American Sign Language.

TELE-CONSUMER HOTLINE
Special Needs Program
1910 K St., N.W. #610, Washington, DC 20006
(202) 223-4371 or (800) 332-1124 (Voice/TDD)

Provides information and services to speech, vision, hearing, mobility, and mentally impaired persons and their employers to overcome telephone-related communications barriers. Offers technical assistance and publications on special equipment, assistive devices, TDD directories, relay services, and referrals to Federal government departments with special resources. Will assess telephone needs of caller, and advise on most cost-effective equipment (new, used, or rented) in the caller's area. Offers guidance and referral on the use equipment, training for staff members, and local repair options. Prepares special needs equipment "Shoppers' Guide," from an electronic database for each caller according to disability. Offers fact sheets on qualifying for special exemptions, discounts, and services.

TRACE RESEARCH AND DEVELOPMENT CENTER
S-151 Waisman Center, 1500 Highland Ave., Madison, WI 53705
(608) 262-6966 (Voice) and (608) 263-5408 (TDD)

Provides information on assistive and rehabilitative technology for people with disabilities. Offers consultation on making computer equipment accessible. Maintains database of adaptive products, and provides referrals to information resources on equipment, software, service centers, and information networks. Distributes publications on accessing computers for blind and visually impaired people, electronic computer aids, head pointers, mouthsticks, keyboard modification programs, mounting systems for communication aids, pointing and communication accessories, TDD's, and training programs for professionals.

UNITED CEREBRAL PALSY ASSOCIATIONS, INC.
1522 K St., N.W., Washington, DC 20005
(202) 842-1266 (Voice/TDD) or (800) 872-5827 (Voice/TDD)

Through local affiliates, assists with worksite accommodations, environmental controls, and assistive technology through local affiliates. Provides employment information and referral services to individuals with cerebral palsy and other severe disabilities. Develops employment for persons with disabilities in small businesses. Produces printed materials and videos on supported employment and assistive technology, and ADA accessibility checklists and informational booklets.

VOCATIONAL EVALUATION AND WORK ADJUSTMENT ASSOCIATION
Division of the National Rehabilitation Association
1910 Association Dr., Suite 205, Reston, VA 22901
(703) 636-9306 (Voice) and (703) 715-9092 (TDD)

Provides a Registry of ADA Consultants consisting of vocational evaluators and work adjustment specialists throughout the United States and Canada. Makes referrals to local ADA consultants who may provide information and assistance on identifying employment barriers, worksite or tool modifications, performing accessibility surveys, job analysis, and skills assessments.

WINDMILLS
California Governor's Committee for Employment of Disabled Persons
P.O. Box 826880, MIC 41, Sacramento, CA 94280-0001
(916) 654-8055 (Voice/TDD) or (916) 654-9820 (TDD)

Provides sensitivity training kits designed to help participants examine their own attitudes, fears, and biases towards people with disabilities in the workplace. Contains 14 one-hour training modules that address constructive management of fear and discomfort among co-workers, overcoming artificial barriers, focusing on capabilities rather than disabilities, job modifications and accommodations, interviewing and hiring people with disabilities. Contact California Governor's Committee on Employment of Disabled Persons for Windmills training kit, and state Governor's Committees on Employment of People with Disabilities (*See Section* X) for referral to Windmills workshop training providers in local areas.

WORLD INSTITUTE ON DISABILITY
510 16th St., Oakland, CA 94612
(415) 736-4100

Identifies solutions to problems faced by people with disabilities focusing on areas such as public education, service systems consultation, and independent living. Operates, "Widnet," an international electronic information and database service accessible by computer and telephone. Offers, through the "Widnet" system, improved communication between people with disabilities, communities, government, and service providers using electronic conferencing, electronic mail, file libraries for disability-related documents, and electronic databases. Publishes information on personal assistance, independent living, employment, housing, health care, and health insurance and people with disabilities.

OTHER ORGANIZATIONS WITH EXPERTISE IN SPECIFIC DISABILITIES

In addition to those listed in the previous section, the following organizations have expertise on specific disabilities, and may be able to provide useful information related to disabilities.

Affiliated Leadership League of and for the Blind of America
1101 17th St., N.W. Suite 803, Washington, DC 20036
(202) 833-0092

AIDS Action Council/National AIDS Network
2033 M St., N.W., Suite 802, Washington, DC 20036
(202) 293-2886

Alcohol & Drug Problems Association of North America
1555 Wilson Blvd., Suite 300, Arlington, VA 22209
(703) 875-8684

Alexander Graham Bell Association for the Deaf
3417 Volta Pl., N.W., Washington, D.C. 20007
(202) 337-5220 (Voice/TDD)

Alliance for Liberation of Mental Patients
1427 Walnut St., Haverford, PA 19102
(215) 525-4168

Alzheimer's Disease and Related Disorders Association, Inc.
919 North Michigan Ave., Suite 1000, Chicago, IL 60611
(312) 335-8700

American Academy for Cerebral Palsy and Developmental Medicine
P.O. Box 11086, 1910 Byrd Ave., Suite 100, Richmond, VA 23230
(804) 282-0036

American Anorexia/Bulimia Association, Inc.
418 East 76th St., New York, NY 10021
(212) 734-1114

American Association on Mental Retardation
1719 Kalorama Rd., N.W., Washington, D.C. 20009
(202) 387-1968

American Burn Association
4940 Eastern Ave., Baltimore, MD 21224
(800) 548-2876

American Chronic Pain Association
P.O. Box 850, Rocklin, CA 95677
(916) 632-0922

American Cleft Palate Association
1218 Grandview Ave., Pittsburgh, PA 15211
(412) 481-1376

American Deafness and Rehabilitation Association
P.O. Box 55369, Little Rock, AR 72225
(501) 663-7074 (Voice/TDD)

American Diabetes Association
1660 Duke St., Alexandria, VA 22314
(703) 549-1500

American Heart Association
7272 Greenville Ave., Dallas, TX 75231
(214) 373-6300

American Liver Foundation
1425 Pompton Ave., Cedar Grove, NJ 07009
(201) 256-2550

American Lung Association
1740 Broadway, New York, NY 10019
(212) 315-8700

American Lupus Society
3914 Del Amo Blvd., Suite 922, Torrance, CA 90503
(213) 542-8891 or (800) 331-1802

American Narcolepsy Association
(415) 788-4793

American Orthotic and Prosthetic Association
1650 King St., Suite 500, Alexandria, VA 22314
(703) 836-7116

American Paralysis Association
500 Morris Ave., Springfield, NJ 07081
(201) 379-2690

American Parkinson Disease Association
60 Bay St., Staten Island, NY 10301
(718) 981-8001

American Tinnitus Association
P.O. Box 5, Portland, OR 97207
(503) 248-9985

Amyotrophic Lateral Sclerosis Association
21021 Ventura Blvd., Suite 321, Woodland Hills, CA 91364
(818) 340-7500 or (800) 782-4747

Association for Education and Rehabilitation of the Blind and Visually Impaired
206 North Washington St., #320, Alexandria, VA 22314
(703) 548-1884

The Association for Persons with Severe Handicaps (TASH)
1600 Prince St., Suite 115, Alexandria, VA 22314
(703) 683-5586 (Voice/TDD)

Better Hearing Institute
5021B Backlick Rd., Annandale, VA 22003
(703) 642-0580 (Voice) or (800) 327-9355 (Voice/TDD)

Blinded Veterans Association
477 H St., N.W., Washington, D.C. 20001
(202) 371-8880

Braille Institute of America
741 North Vermont Ave., Los Angeles, CA 90029
(213) 663-1111 (Voice/TDD)

Cooley's Anemia Foundation
105 East 22nd St., Suite 911, New York, NY 10010
(212) 598-0911

Cornelia deLange Syndrome Foundation
60 Dyer Ave., Collinsville, CT 06022
(203) 693-0159 or (800) 753-2357

Council of Citizens with Low Vision International
1400 North Drake Rd., #218, Kalamazoo, MI 49006
(616) 381-9566

Cystic Fibrosis Foundation
6931 Arlington Rd., Bethesda, MD 20814
(301) 951-4422 or (800) 344-4823

Glaucoma Foundation
310 East 14th St., New York, NY 10003
(212) 260-1000

Huntington's Disease Society of America
140 West 22nd St., 6th Floor, New York, NY 10011
(212) 242-1968

Hypoglycemia Association, Inc.
2643 Liberty Parkway, Baltimore, MD 21222
(202) 544-4044

Immune Deficiency Foundation
P.O. Box 586, Columbia, MD 21045
(410) 461-3127

International Association of Laryngectomees
c/o American Cancer Society
1599 Clifton Rd., N.E., Atlanta, GA 30329-4251
(404) 320-3333

International Polio Network
5100 Oakland Ave., #206, St. Louis, MO 63110
(314) 534-0475

International Rett Syndrome Association
8511 Rose Marie Dr., Fort Washington, MD 20744
(301) 248-7031

Joseph P. Kennedy, Jr. Foundation
1350 New York Ave., N.W., Suite 500, Washington, D.C. 20005
(202) 393-1250

Learning Disability Association of America
4156 Library Rd., Pittsburgh, PA 15234
(412) 341-1515

Lupus Foundation of America
4 Research Pl., Suite 180, Rockville, MD 20850
(301) 670-9292 or (800) 558-0121

Macular Foundation
210 East 64th St., New York, NY 10021
(212) 605-3719 or (800) 622-8524

March of Dimes Birth Defects Foundation
1275 Mamaroneck Ave., White Plains, NY 10605
(914) 428-7100

Mental Health Policy Resource Center
1730 Rhode Island Ave., N.W., Washington, D.C. 20036
(202) 872-9141

Muscular Dystrophy Association
3561 East Sunrise Dr., Tuscon, AZ 85718
(602) 529-2000

Myasthenia Gravis Foundation
53 West Jackson Blvd., Suite 660, Chicago, IL 60604
(312) 427-6252 or (800) 541-5454

National Alliance for the Mentally Ill
2101 Wilson Blvd., Suite 302, Arlington, VA 22201
(703) 524-7600 or (800) 950-NAMI

National Arthritis and Musculoskeletal and Skin Diseases
Information Clearinghouse
P.O. Box AMS, 9000 Rockville Pike, Bethesda, MD 20890 (301) 495-4484

National Association for Sickle Cell Disease, Inc.
3345 Wilshire Blvd., Suite 1106, Los Angeles, CA 90010
(213) 736-5455 or (800) 421-8453

The National Association for the Craniofacially Handicapped
P.O. Box 11082, Chattanooga, TN 37401
(615) 266-1632

National Association for Visually Handicapped
22 West 21st St., New York, NY 10010
(212) 889-3141

National Association of Anorexia Nervosa and Associated Disorders
P.O. Box 7, Highland Park, IL 60035
(708) 831-3438

National Association of the Deaf
814 Thayer Ave., Silver Spring, MD 20910
(301) 587-1788 (Voice) or (301) 587-1789 (TDD)

National Ataxia Foundation
750 Twelve Oaks Center, 15500 Wayzata Blvd., Wayzata, MN 55391
(612) 473-7666

National Burn Victim Foundation
32-34 Scotland Rd., Orange, NJ 07050
(201) 676-7700

National Center for Learning Disabilities
99 Park Ave., New York, NY 10016
(212) 687-7211

National Center for Stuttering
200 East 33rd St., New York, NY 10016
(800) 221-2483

National Chronic Pain Outreach Association, Inc.
7979 Old Georgetown Rd., Suite 100, Bethesda, MD 20814-2429
(301) 652-4948

National Council on Alcoholism and Drug Dependence
12 West 21st St., New York, NY 10010
(212) 206-6770

National Digestive Diseases Information Clearinghouse
Box NDDIC, 9000 Rockville Pike, Bethesda, MD 20892
(301) 468-6344

National Foundation for Facial Reconstruction
317 East 34th St., New York, NY 10016
(212) 263-6656 or (800) 422-FACE

National Gaucher Foundation
19241 Montgomery Village Ave., Suite E21, Gaithersburg, MD 20879
(301) 990-3800

National Hemophilia Foundation
The Soho Building, 110 Green St., Suite 303, New York, NY 10012
(212) 219-8180

National Industries for the Severely Handicapped
2235 Cedar Ln., Vienna, VA 22182
(703) 560-6800 or (703) 560-6512 (TDD)

National Information Center for Orphan Drugs and Rare Diseases
P.O. Box 1133
Washington, DC 20013-1133
(800) 456-3505

National Kidney Foundation
2 Park Ave., New York, NY 10016
(212) 889-2210

National Lymphedema Network
2211 Post St., Suite 404 San Francisco, CA 94115
(800) 541-3259

National Marfan Foundation
382 Main St., Port Washington, NY 11050
(516) 883-8712 or (800) 8-MARFAN

National Mental Health Consumers Association
311 South Jupiter St., Rm. 902, Philadelphia, PA 19107
(215) 735-2465

National Myoclonus Foundation
845 Third Ave., New York, NY 10022
(212) 758-5656

National Network of Learning Disabled Adults
North 82nd St., Suite F2, Scottsdale, AZ 85257
(602) 941-5112

National Neurofibromatosis Foundation
141 Fifth Ave., Suite 7-S, New York, NY 10010
(212) 460-8980 (Voice/TDD) or (800) 323-7938 (Voice)

National Organization for Rare Disorders, Inc.
P.O. Box 8923, New Fairfield, CT 06812-1783
(203) 746-6518 (Voice) or (800) 999-NORD (Voice/Electronic Mail)

National Osteoporosis Foundation
2100 M St., N.W., Suite 602, Washington, DC 20037
(202) 223-2226

National Parkinson Institute
1501 N.W. 9th Ave., Miami, FL 33136
(305) 547-6666 or (800) 327-4545

National Retinitis Pigmentosa Foundation
1401 Mt. Royal Ave., Fourth Fl., Baltimore, MD 21217
(410) 225-9400 (Voice) or (410) 225-9409 (TDD) or (800) 683-5555 (Voice)

The National Scoliosis Foundation
72 Mount Auburn St., Watertown, MA 02172
(617) 926-0397

National Stroke Association
300 East Hampton Ave., #240, Englewood, CO 80110
(303) 762-9922 or (800) 787-6537

National Stuttering Project
4601 Irving St., San Francisco, CA 94122
(415) 566-5324

National Tay-Sachs and Allied Diseases Association, Inc.
2001 Beacon St., Brookline, MA 02146
(617) 277-4463

National Tuberous Sclerosis Association, Inc.
8000 Corporate Dr., Landover, MD 20785
(800) 225-6872 (301) 459-9888

Orton Dyslexia Society
Chester Bldg., 8600 LaSalle Rd., Suite 382 Baltimore, MD 21204-6020
(301) 296-0232

Osteogenesis Imperfecta Foundation, Inc.
5005 West Laurel St., Suite 210, Tampa, FL 33607-3836
(813) 282-1161

Recovery, Inc.
The Association of Nervous and Former Mental Patients
802 North Dearborn St., Chicago, IL 60610
(312) 337-5661

Sensory Access Foundation
395 Sherman Ave., Suite 2, Palo Alto, CA 94306
(415) 329-0430 (Voice) or (415) 329-0433 (TDD)

Sertoma International/Sertoma Foundation
1912 East Meyer Blvd., Kansas City, MO 64132
(816) 333-8300

Short Stature Foundation
P.O. Box 5356, Huntington Beach, CA 92165-5356
(714) 474-4554

Rehabilitation Engineering Center at Smith-Kettlewill Eye Research Institute
2232 Webster St., San Francisco, CA 94115
(415) 561-1619 or (415) 561-1610 (Fax)

Speech Foundation of America
5139 Klingle St., N.W., Washington, D.C. 20016
(202) 363-3199

Spinal Cord Society
Wendell Rd., Fergus Falls, MN 56537
(218) 739-5252

Spinal Network
P.O. Box 4162, Boulder, CO 80306
(303) 449-5412

Tourette Syndrome Association
42-40 Bell Blvd., Bayside, NY 11361
(718) 224-2999

United Leukodystrophy Foundation
2304 Highland Dr., Sycamore, IL 60178
(815) 895-3211 or (800) 728-5483

United Ostomy Association
36 Executive Park, Suite 120, Irvine, CA 92714
(714) 660-8624

United Parkinson Foundation
360 West Superior St., Chicago, IL 60610
(312) 664-2344

United Scleroderma Foundation
P.O. Box 399, Watsonville, CA 95077-0399
(408) 728-2202 or (800) 722-HOPE

ALTERNATIVE DISPUTE RESOLUTION RESOURCES

Listed below are national organizations that provide information on alternative dispute resolution and referrals to local providers of such services. Dispute resolution services also are listed in the "Yellow Pages" of local telephone directories under "Arbitrators" and "Mediators," or may be located by referral from local attorneys and courthouses.

AMERICAN ARBITRATION ASSOCIATION
140 West 51st St., New York, NY 10020
(212) 484-4000

Provides information on mediation, arbitration, and other dispute resolution alternatives. Makes referrals to local American Arbitration Association offices, and publishes a directory of mediators and arbitrators with subject matter expertise.

AMERICAN BAR ASSOCIATION
Standing Committee on Dispute Resolution
1800 M St., N.W., Washington, D.C. 20030
(202) 331-2258

Serves as an information clearinghouse on dispute resolution, and provides information on local resources. Publishes the Dispute Resolution Program Directory which lists local dispute resolution projects, programs, and individual mediators and arbitrators with particular subject matter expertise (New Edition, March 1992).

NATIONAL INSTITUTE FOR DISPUTE RESOLUTION
1901 L St., N.W., Suite 600 Washington, D.C. 20036
(202) 466-4764 (Voice/TDD)

Serves as a clearinghouse for information on alternative dispute resolution. Makes referrals to local providers of alternative dispute resolution services.

COUNCIL OF BETTER BUSINESS BUREAUS
4200 Wilson Blvd. Suite 800, Arlington, VA 22203
(703) 276-0100 (Voice/TDD)

Provides dispute resolution training for network of 177 Better Business Bureaus. Makes referrals to local Bureaus that provide dispute resolution services (arbitration, mediation, conciliation) on a variety of issues, including employment. (*See Section* II Department of Justice ADA Technical Assistance Projects)

REGIONAL AND STATE LOCATIONS OF FEDERAL PROGRAMS RELATED TO DISABILITY AND EMPLOYMENT

PART THREE

SECTIONS VIII - XIII

VIII. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION DISTRICT OFFICES

IX. REGIONAL OFFICES OF AGENCIES THAT ENFORCE OTHER LAWS PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF DISABILITY

X. STATE LISTINGS OF OTHER FEDERAL PROGRAMS RELATED TO DISABILITY AND EMPLOYMENT

XI. STATE LISTINGS OF CENTERS FOR INDEPENDENT LIVING

XII. STATE TECHNOLOGY ASSISTANCE PROGRAMS

XIII. STATE PROGRAMS OF EDUCATION AND ASSISTANCE FOR FARMERS AND RANCHERS WITH DISABILITIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION DISTRICT OFFICES

Listed below are the areas served by EEOC's 23 full-service District Offices, one field office, and the addresses of these offices. The EEOC has 26 additional area and local offices that process charges of discrimination. To contact area and local EEOC offices, call 1-800-669-4000.

Alabama	Birmingham District Office
Alaska	Seattle District Office
Arizona	Phoenix District Office
Arkansas	Memphis District Office
California	
Northern	San Francisco District Office
Southern	Los Angeles District Office
Colorado	Denver District Office
Connecticut	New York District Office
Delaware	Philadelphia District Office
District of Columbia	Washington Field Office
Florida	Miami District Office
Georgia	Atlanta District Office
Hawaii	San Francisco District Office
Idaho	Seattle District Office
Illinois	
Northern	Chicago District Office
Southwestern	St. Louis District Office
Indiana	Indianapolis District Office
Iowa	Milwaukee District Office
Kansas	St. Louis District Office
Kentucky	Indianapolis District Office
Louisiana	New Orleans District Office
Maine	New York District Office
Maryland	Baltimore District Office
Massachusetts	New York District Office
Michigan	Detroit District Office
Minnesota	Milwaukee District Office
Mississippi	Birmingham District Office
Missouri	St. Louis District Office
Montana	Denver District Office
Nebraska	Denver District Office
Nevada	Los Angeles District Office
New Hampshire	New York District Office

New Jersey	Philadelphia District Office
New Mexico	Phoenix District Office
New York	New York District Office
North Carolina	Charlotte District Office
North Dakota	Denver District Office
Ohio	Cleveland District Office
Oklahoma	Dallas District Office
Oregon	Seattle District Office
Pennsylvania	Philadelphia District Office
Rhode Island	New York District Office
South Carolina	Charlotte District Office
South Dakota	Denver District Office
Tennessee	Memphis District Office
Texas	
Northern	Dallas District Office
Southwestern	San Antonio District Office
Southeastern	Houston District Office
Utah	Phoenix District Office
Vermont	New York District Office
Virginia	
Northeastern	Washington Field Office
Southwestern	Baltimore District Office
Washington	Seattle District Office
West Virginia	Philadelphia District Office
Wisconsin	Milwaukee District Office
Wyoming	Denver District Office

Commonwealths, Possessions, Territories

American Samoa	San Francisco District Office
Canal Zone	Miami District Office
Guam	San Francisco District Office
Northern Mariana Islands	San Francisco District Office
Puerto Rico	New York District Office
Virgin Islands	New York District Office
Wake Island	San Francisco District Office

DISTRICT OFFICE LOCATIONS

Atlanta District Office
75 Piedmont Ave., N.E., Suite 1100
Atlanta, GA 30335
(404) 331-6093 (Voice)
(404) 841-6091 (TDD)

Baltimore District Office
111 Market Pl., Suite 4000
Baltimore, MD 21202
(301) 962-3932 (Voice)
(301) 922-6065 (TDD)

Birmingham District Office
1900 3rd Ave., North, Suite 101
Birmingham, AL 35203-2397
(205) 731-0082 (Voice)
(205) 229-0095 (TDD)

Charlotte District Office
5500 Central Ave.
Charlotte, NC 28212
(704) 567-7100 (Voice)
(704) 628-7173 (TDD)

Chicago District Office
536 South Clark St., Rm. 930-A
Chicago, IL 60605
(312) 353-2713 (Voice)
(312) 353-2421 (TDD)

Cleveland District Office
1375 Euclid Ave., Rm. 600
Cleveland, OH 44115-1808
(216) 522-2001 (Voice)
(216) 942-7296 (TDD)

Dallas District Office
8303 Elmbrook Dr.
Dallas, TX 75247
(214) 767-7015 (Voice)
(214) 729-7523 (TDD)

Denver District Office
1845 Sherman St., 2nd Fl.
Denver, CO 80203
(303) 866-1300 (Voice)
(303) 564-1950 (TDD)

Detroit District Office
477 Michigan Ave., Rm. 1540
Detroit, MI 48226-9704
(313) 226-7636 (Voice)
(313) 226-7599 (TDD)

Houston District Office
1919 Smith St., 7th Fl.
Houston, TX 77002
(713) 653-3377 (Voice)
(713) 522-3367 (TDD)

Indianapolis District Office
46 East Ohio St., Rm. 456
Indianapolis, IN 46204-1903
(317) 226-7212 (Voice)
(317) 331-5162 (TDD)

Los Angeles District Office
3660 Wilshire Blvd., 5th Fl.
Los Angeles, CA 90010
(213) 251-7278 (Voice)
(213) 251-7384 (TDD)

Memphis District Office
1407 Union Ave., Suite 621
Memphis, TN 38104
(901) 722-2617 (Voice)
(901) 222-2604 (TDD)

Miami District Office
1 Northeast First St., 6th Fl.
Miami, Fl 33132-2491
(305) 536-4491 (Voice)
(305) 350-5721 (TDD)

Milwaukee District Office
310 West Wisconsin Ave., Suite 800
Milwaukee, WI 53203-2292
(414) 297-1111 (Voice)
(414) 362-1115 (TDD)

New Orleans District Office
701 Loyola Ave., Suite 600
New Orleans, LA 70113
(504) 589-2329 (Voice)
(504) 682-2958 (TDD)

New York District Office
90 Church St., Rm. 1501
New York, NY 10007
(212) 264-7161 (Voice)
(212) 264-7697 (TDD)

Philadelphia District Office
1421 Cherry St., 10th Fl.
Philadelphia, PA 19102
(215) 597-9350 (Voice)
(215) 597-5314 (TDD)

Phoenix District Office
4520 North Central Ave., Suite 300
Phoenix, AZ 85012-1848
(602) 640-5000 (Voice)
(602) 261-2692 (TDD)

San Antonio District Office
5410 Fredericksburg Rd., Suite 200
San Antonio, TX 78229-3555
(512) 229-4810 (Voice)
(512) 730-4858 (TDD)

San Francisco District Office
901 Market St., Suite 500
San Francisco, CA 94103
(415) 744-6500 (Voice)
(415) 484-7392 (TDD)

Seattle District Office
2815 Second Ave., Suite 500
Seattle, WA 98121
(206) 553-0968 (Voice)
(206) 399-1362 (TDD)

St. Louis District Office
625 North Euclid St., 5th Fl.
St. Louis, MO 63108
(314) 425-6585 (Voice)
(314) 279-6547 (TDD)

Washington Field Office
1400 L St., Suite 200
Washington, DC 20005
(202) 275-7377
(202) 275-7518

REGIONAL OFFICES OF AGENCIES THAT ENFORCE OTHER LAWS PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF DISABILITY

REGION I

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

U.S. Department of Education
Office for Civil Rights
Post Office and Courthouse, Rm. 222
Boston, MA 02109-4557
(617) 223-9662 (Voice)
(617) 223-9695 (TDD)

U.S. Department of Labor
Office of Federal Contract Compliance Programs
One Congress St., 11th Fl.
Boston, MA 02114
(617) 565-2055 (Voice)
(617) 223-4067 (TDD)

U.S. Department of Health & Human Services
Office for Civil Rights
JFK Federal Bldg, Rm. 1203A
Boston, MA 02203
(617) 565-1340 (Voice)
(617) 565-1343 (TDD)

U.S. Small Business Administration
155 Federal St., 9th Fl.
Boston, MA 02110
(617) 451-2023

REGION II

New Jersey, New York, Puerto Rico, Virgin Islands

U.S. Department of Education
Office for Civil Rights
26 Federal Plaza, 33rd Fl.
New York, NY 10278-0082
(212) 264-4633 (Voice)
(212) 264-8797 (TDD)

U.S. Department of Health & Human Services
Office for Civil Rights
Jacob Javits Federal Bldg.
26 Federal Plaza, Suite 3312
New York, NY 10278
(212) 264-3313 (Voice)
(212) 264-3656 (TDD)

U.S. Department of Labor
Office of Federal Contract Compliance Programs
201 Varick St., Rm. 750
New York, NY 10014
(212) 337-2007

U.S. Small Business Administration
26 Federal Plaza, Rm. 31-08
New York, NY 10278
(212) 264-7772

REGION III

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

U.S. Department of Education
Office for Civil Rights
3535 Market St., Rm. 6300
Philadelphia, PA 19104-3326
(215) 596-6791 (Voice)
(215) 596-6794 (TDD)

U.S. Department of Health & Human Services
Office for Civil Rights
3535 Market St., Rm. 6350
Philadelphia, PA 19101
(215) 596-5831 (Voice)
(215) 596-5195 (TDD)

U.S. Department of Labor
Office of Federal Contract Compliance Programs
Gateway Building
3535 Market St., Rm. 15340
Philadelphia, PA 19104
(215) 596-6168 (Voice)
(215) 596-6186 (TDD)

U.S. Small Business Administration
475 Allendale Rd., Suite 201
King of Prussia, PA 19406
(215) 962-3700 (Voice)
(215) 962-3806 (TDD)

REGION IV

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

U.S. Department of Education
Office for Civil Rights
101 Marietta Tower, 27th Fl.
P.O. Box 2048
Atlanta, GA 30301
(404) 331-2806 (Voice)
(404) 331-7236 (TDD)

U.S. Department of Labor
Office of Federal Contract Compliance Programs
1375 Peachtree St., N.E., Suite 678
Atlanta, GA 30367
(404) 347-3200

U.S. Department of Health & Human Services
Office for Civil Rights
101 Marietta Tower, Rm. 1502
Atlanta, GA 30323
(404) 331-2779 (Voice)
(404) 331-2867 (TDD)

U.S. Small Business Administration
1375 Peachtree St., N.E., 5th Fl.
Atlanta, GA 30367-8102
(404) 347-2797 (Voice)
(404) 347-5051 (TDD)

REGION V

Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin

U.S. Department of Education
Office for Civil Rights
401 South State St., Rm. 700-C
Chicago, IL 60605-1202
(312) 353-2520 (Voice)
(312) 353-2540 (TDD)

U.S. Department of Labor
Office of Federal Contract Compliance Programs
230 South Dearborn St., Rm. 570
Chicago, IL 60604
(312) 353-0335 (Voice)
(312) 353-2158 (TDD)

U.S. Department of Health & Human Services
Office for Civil Rights
105 W. Adams, 16th Fl.
Chicago, IL 60603
(312) 886-2359 (Voice)
(312) 353-5693 (TDD)

U.S. Small Business Administration
300 S. Riverside Plaza, Suite 1975 South
Chicago, IL 60606
(312) 353-0359

REGION VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas

U.S. Department of Education
Office for Civil Rights
1200 Main Tower Bldg., Suite 2260
Dallas, TX 75202-9998
(214) 767-3936 (Voice)
(214) 767-3639 (TDD)

U.S. Department of Labor
Office of Federal Contract
Compliance Programs
525 S. Griffin St., Rm. 840
Dallas, TX 75202
(214) 767-4771

U.S. Department of Health & Human Services
Office for Civil Rights
1200 Main Tower Bldg., Rm. 1360
Dallas, TX 75202
(214) 767-4056 (Voice)
(214) 767-8940 (TDD)

U.S. Small Business Administration
8625 King George Dr., Bldg. C
Dallas, TX 75235-3391
(214) 767-7643

REGION VII

Iowa, Kansas, Missouri, Nebraska

U.S. Department of Education
Office for Civil Rights
10220 N. Executive Hills Blvd., 8th Fl.
Kansas City, MO 64153-1367
(816) 891-8026 (Voice)
(816) 374-6461 (TDD)

U.S. Department of Labor
Office of Federal Contract
Compliance
911 Walnut St., Rm. 2011
Kansas City, MO 64106
(816) 426-5384

U.S. Department of Health & Human Services
Office for Civil Rights
601 East 12th St., Rm. 248
Kansas City, MO 64106
(816) 426-7277 (Voice)
(816) 426-7065 (TDD)

U.S. Small Business Administration
911 Walnut St., 13th Fl.
Kansas City, MO 64106
(816) 426-3608

REGION VIII

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

U.S. Department of Education
Office for Civil Rights
1244 Speer Blvd., Suite 310
Denver, CO 80204-3864
(303) 844-5695 (Voice)
(303) 844-3417 (TDD)

U.S. Department of Health & Human Services
Office for Civil Rights
1961 Stout St., Rm. 1185
Denver, CO 80294-3538
(303) 844-4774 (Voice)
(303) 844-3439 (TDD)

U.S. Department of Labor
Office of Federal Contract Compliance
1961 Stout St., Rm. 1480
Denver, CO 80294
(303) 844-5011 (Voice)
(303) 844-4481 (TDD)

U.S. Small Business Administration
999 18th St., Suite 701
Denver, CO 80202
(303) 294-7001

REGION IX

Arizona, California, Hawaii, Nevada, Guam, Trust Territory of the Pacific Islands, American Samoa

U.S. Department of Education
Office for Civil Rights
50 United Nations Plaza
San Francisco, CA 94102
(415) 556-7000 (Voice)
(415) 556-6806 (TDD)

U.S. Department of Health & Human Services
Office for Civil Rights
Federal Office Bldg., Rm. 322
50 United Nations Plaza
San Francisco, CA 94102
(415) 556-8586 (Voice/TDD)

U.S. Department of Labor
Office of Federal Contract Compliance
71 Stevenson St., Suite 1700
San Francisco, CA 94105
(415) 744-6986

U.S. Small Business Administration
71 Stevenson St., 20th Fl.
San Francisco, CA 94105-2939
(415) 744-6402

REGION X

Alaska, Idaho, Oregon, Washington

U.S. Department of Education
Office for Civil Rights
915 2nd Ave., Rm. 3310
Seattle, WA 98174-1099
(206) 553-1636 (Voice)
(206) 442-4542 (TDD)

U.S. Department of Labor
Office of Federal Contract Compliance
1111 Third Ave., Suite 610
Seattle, WA 98101-3212
(206) 442-4508

U.S. Department of Health & Human Services
Office for Civil Rights
2201 Sixth Ave.
Mail Stop RX-11
Seattle, WA 98121-1233
(206) 553-7483 (Voice)
(206) 553-7486 (TDD)

U.S. Small Business Administration
2615 4th Ave., Rm. 440
Seattle, WA 98121-1233
(206) 553-5676 (Voice)
(206) 553-2872 (TDD)

STATE LISTINGS OF OTHER FEDERAL PROGRAMS RELATED TO DISABILITY AND EMPLOYMENT

ALABAMA

ADA Technical Assistance Center
(Region IV)

Southeast Disability and Business Technical Assistance Center
1776 Peachtree Rd., Suite 310 North
Atlanta, GA 30309
(404) 888-0022 (Voice) or (404) 888-9007 (TDD)

Client Assistance Program:

Alabama Department of Education
Division of Rehabilitation
and Crippled Children Services
P.O. Box 11586
2129 East South Blvd.
Montgomery, AL 36111
(205) 281-8780 (Voice/TDD)

Developmental Disability Council:

Alabama Developmental Disability Planning
Council
P.O. Box 3710
200 Interstate Park Dr.
Montgomery, AL 36193-5001
(205) 270-4680

Employment Service Division:

Department of Industrial Relations
649 Monroe St., Rm. 204
Montgomery, AL 36130
(205) 242-8003

JTPA Liaison:

Alabama Department of Economic and
Community Affairs
P.O. Box 250347
Montgomery, AL 36125-0347
(205) 284-8700

President's Committee Partner:

Governor's Committee on
Employment of People with
Disabilities
Division of Rehabilitation Service
P.O. Box 11586
2129 East South Blvd.
Montgomery, AL 36111-0586
(205) 281-8780 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

University of Alabama
Alabama Disabilities Advocacy Program
P.O. Box 870395
Tuscaloosa, AL 35487-0395
(205) 348-4928 (Voice)
(205) 270-4680 (TDD)

Protection and Advocacy for Persons with Mental Illness:

University of Alabama
Alabama Disabilities Advocacy Program
P.O. Box 870395
Tuscaloosa, AL 35487-0395
(205) 348-4928

Vocational Rehabilitation Agency:

Rehabilitation Services
P.O. Box 11586
Montgomery, AL 36111-0586
(205) 281-8780 (Voice/TDD)

ALASKA

ADA Technical Assistance Center
(Region X)

Northwest Disability and Business Technical Assistance Center
605 Woodview Dr.
Lacey, WA 98503
(206) 438-3168 (Voice) or (206) 438-3167 (TDD)

Client Assistance Program:

ASSIST
2900 Boniface Pkwy., #100
Anchorage, AK 99504-3195
(907) 333-2211

Developmental Disability Council:

Governor's Council for the Handicapped
and Gifted
540 West International Airport Rd.
Suite 100
Anchorage, AL 99518
(907) 561-5335 (Voice)
(907) 564-7445 (TDD)

Employment Service:

Alaska Department of Labor
Employment Security Division
P.O. Box 25509
Juneau, AK 99802-5509
(907) 465-2712

Fair Employment Practice Agency:

Alaska State Commission for Human Rights
800 A St.
Anchorage, Ak 99501
(907) 276-7474 (Voice)
(907) 276-3177 (TDD)

JTPA Liaison:

Department of Community and Regional Affairs
333 West 4th Ave., Suite 220
Anchorage, AK 99501-2341
(907) 269-4500

President's Committee Partner:

Governor's Committee on Employment of People
with Disabilities
3719 Arctic Blvd.
Anchorage, Ak 99503
(907) 465-4531

Protection & Advocacy for Persons with Developmental Disabilities:

Advocacy Services of Alaska
615 East 82nd Ave., Suite 101
Anchorage, AK 99518
(907) 344-1002 (Voice/TDD)
(800) 478-1234 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Advocacy Services of Alaska
615 East 82nd Ave., Suite 101
Anchorage, AK 99518
(907) 344-1002 (Voice/TDD)
(800) 478-1234 (Voice/TDD)

Vocational Rehabilitation Agency:

Vocational Rehabilitation
801 West 10th St., Suite 200
Juneau, AL 99801-1894
(907) 465-2814 (Voice)
(907) 465-2440 (TDD)

ARIZONA

ADA Technical Assistance Center
(Region IX)

Pacific Coast Disability and Business Technical Assistance Centers
440 Grand Ave., Suite 500
Oakland, CA 94610
(510) 465-7884 (Voice) or (510) 465-3172 (TDD)

Client Assistance Program:

Arizona Center for Law in the Public Interest
3724 North Third St., Suite 300
Phoenix, AZ 85012
(602) 274-6287 (Voice/TDD)

Developmental Disability Council:

Governor's Council on Developmental Disability
1717 West Jefferson
Site Code 074Z
Phoenix, AZ 85005
(602) 542-4049

Employment Service:

Department of Economic Security
P.O. Box 6123-010A
1717 West Jefferson
Phoenix, AZ 85005
(602) 542-5678

Fair Employment Practice Agency:

Arizona Civil Rights Division
1275 West Washington St.
Phoenix, AZ 85007
(602) 542-5263

JTPA Liaison:

Arizona Department of Economic Security
Division of Employment and Rehabilitation Services
1789 West Jefferson
P.O. Box 6123 (901A)
Phoenix, AZ 85005
(602) 542-4910

President's Committee Partner:

Arizona Governor's Committee on Employment of the Handicapped
Samaritan Rehabilitation Institute
Special Education Unit
1812 East Willetta
Phoenix, AZ 85006
(602) 239-4762

Protection and Advocacy for Persons with Developmental Disabilities:

Arizona Center for Law in the Public Interest
3724 North Third St., Suite 300
Phoenix, AZ 85012
(602) 274-6287 (Voice/TDD)

Protection and Advocacy for Persons with Developmental Disabilities:

Arizona Center for Law in the Public Interest
3724 North Third St., Suite 300
Phoenix, AZ 85012
(602) 274-6287 (Voice/TDD)

Vocational Rehabilitation Agency:

Department of Economic Security
Rehabilitation Services Administration
1789 West Jefferson, 271 N.W. Wing
Site Code 930A
Phoenix, AZ 85007
(602) 542-3332 (Voice)
(602) 542-6049 (TDD)

ARKANSAS

ADA Technical Assistance Center (Region VI)

Southwest Disability and Business Technical Assistance Center
2323 South Sheperd Blvd., Suite 1000
Houston, Texas 77019
(713) 520-0232 (Voice) or (713) 520-5136 (TDD)

Client Assistance Program:

Advocacy Services, Inc.
1120 Marshall St., Suite 311
Little Rock, AR 72202
(501) 324-9215 (Voice/TDD)

Developmental Disability Council:

Governor's Developmental Disability
Planning Council
4815 West Markham St.
Little Rock, AR 72205
(501) 661-2589 (Voice)
(501) 661-2736 (TDD)

Employment Service:

Arkansas Employment Security Department
P.O. Box 2981
Little Rock, AR 72203-2981
(501) 682-2121

JTPA Liaison:

Arkansas Employment Security Department
P. O. Box 2981
Little Rock, AR 72203-2981
(501) 682-2121

Protection & Advocacy of Individual Rights:

Advocacy Services, Inc.
1120 Marshall St., Suite 311
Little Rock, AR 72202
(501) 324-9215

President's Committee Partner:

Governor's Commission on People with
Disabilities
7th and Main Sts., P.O. Box 3781
Little Rock, AR 72203

Protection & Advocacy for Persons with Developmental Disabilities:

Advocacy Services, Inc.
1120 Marshall St., Suite 311
Little Rock, AR 72202
(501) 324-9215

Protection & Advocacy for Mentally Ill Individuals:

Advocacy Services, Inc.
1120 Marshall St., Suite 311
Little Rock, AR 72202
(501) 324-9215 (Voice/TDD)

Vocational Rehabilitation Agency:

Arkansas Department of Human Services
Division of Rehabilitation Services
P.O. Box 3781
Little Rock, AR 72203
(501) 682-6708 (Voice)
(501) 682-6667 (TDD)

Vocational Rehabilitation Agency for Persons who are Blind and Visually Impaired:

Arkansas Department of Human Services
Division of Services for the Blind
P.O. Box 3237, 411 Victory St.
Little Rock, AR 72203
(501) 371-2587

CALIFORNIA

ADA Technical Assistance Center
(Region IX)

Pacific Coast Disability and Business Technical Assistance Centers
440 Grand Ave., Suite 500
Oakland, CA 94610
(510) 465-7884 (Voice) or (510) 465-3172 (TDD)

Client Assistance Program:

Client Assistance Program
830 K St. Mall, Rm. 220
Sacramento, CA 95814
(916) 322-5066

Developmental Disability Council:

California State Council on Developmental Disabilities
2000 O St., Suite 100
Sacramento, CA 95814
(916) 322-8481 (Voice)
(916) 324-8420 (TDD)

Employment Service:

Employment Development Department
P.O. Box 826880, MIC 85
Sacramento, CA 94280-0001
(916) 654-8210

Fair Employment Practice Agency:

California Department of Fair Employment and Housing
2014 T St., Suite 210
Sacramento, CA 95814-6835
(916) 739-4616 (Voice)
(916) 739-4638 (TDD)

JTPA Liaison:

Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001
(916) 654-8210

President's Committee Partner:

The California Governor's Committee for Employment of Disabled Persons
P.O. Box 826880, MIC 41
Sacramento, CA 94280-0001
(916) 654-8055 (Voice)
(916) 654-9820 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Protection & Advocacy, Inc.
100 Howe Ave., Suite 185N
Sacramento, CA 95825
(916) 488-9950 (Voice/TDD)
(800) 776-5746

Protection & Advocacy for Mentally Ill Individuals:

Protection & Advocacy, Inc.
100 Howe Ave., Suite 185N
Sacramento, CA 95825
(916) 488-9950 (Voice/TDD)
(800) 776-5746

Vocational Rehabilitation Agency:

Department of Rehabilitation
830 K St. Mall
Sacramento, CA 95814
(916) 445-3971 (Voice)
(916) 323-4347 (TDD)

COLORADO

ADA Technical Assistance Center (Region VIII)

Rocky Mountain Disability and Business Technical Assistance Center
3630 Sinton Rd., Suite 103
Colorado Springs, CO 80907-5072
(719) 444-0252 (Voice) or (719) 444-0268

Client Assistance Program:

The Legal Center
455 Sherman St., Suite 130
Denver, CO 80203
(303) 722-0300 (Voice/TDD)

Developmental Disability Council:

Colorado Developmental Disability Planning Council
777 Grant, Suite 410
Denver, CO 80203
(303) 894-2345 (Voice/TDD)

Employment Service:

Department of Labor & Employment
600 Grant St., Suite 900
Denver, CO 80203-3528
(303) 837-3801

Fair Employment Practice Agency:

Colorado Civil Rights Division
1560 Broadway, Suite 1050
Denver, CO 80202
(303) 894-7805 (Voice)
(303) 894-7832 (TDD)

JTPA Liaison:

Governor's Job Training Office
720 South Colorado Blvd., Suite 550
Denver, CO 80222
(303) 758-5020 (Voice/TDD)

President's Committee Partner:

Colorado Coalition for Persons with Disabilities
Employ Ability, Inc.
789 Sherman St., Suite 520
Denver, CO 80203
(303) 861-2735 (TDD)

Protection & Advocacy for Individual Rights:

The Legal Center
455 Sherman St., Suite 130
Denver, CO 80203
(303) 722-0300 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

The Legal Center
455 Sherman St., Suite 130
Denver, CO 80203
(303) 722-0300 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

The Legal Center
455 Sherman St., Suite 130
Denver, CO 80203
(303) 722-0300 (Voice/TDD)

Vocational Rehabilitation Agency:

Department of Social Services
Rehabilitation Services
1575 Sherman St., 4th Fl.
Denver, CO 80203-1741
(303) 866-5196 (Voice/TDD)

CONNECTICUT

ADA Technical Assistance Center
(Region I)

New England Disability and Business Technical Assistance Center
145 Newbury St., Portland, ME 04101
(207) 874-6535 (Voice/TDD)

Client Assistance Program:

Office of P&A for Handicapped and
Developmentally Disabled Persons
60 Weston St.
Hartford, CT 06120-1551
(203) 297-4300 (Voice)
(203) 566-2102 (TDD)

Developmental Disability Council:

Developmental Disability Council
90 Pitkin St.
East Hartford, CT 06108
(203) 725-3829

Employment Service:

Governor's Committee on Employment of People
with Disabilities
Labor Department Bldg.
200 Folly Brook Blvd.
Wethersfield, CT 06109
(203) 566-1513

Fair Employment Practice Agency:

Connecticut Commission on Human Rights and
Opportunities
90 Washington St.
Hartford, CT 06106
(203) 566-4895
(203) 566-3350

JTPA Liaison:

Department of Labor
200 Folly Brook Blvd.
Wethersfield, CT 06109
(203) 566-4384

President's Committee Partner:

Governor's Committee on Employment of People
with Disabilities
Labor Department Bldg.
200 Folly Brook Blvd.
Wethersfield, CT 06109
(203) 566-1513

Protection & Advocacy for Persons with Developmental Disabilities:

Office of P&A for Handicapped and
Developmentally Disabled Persons
60 Weston St.
Hartford, CT 06120-1551
(203) 297-4300 (Voice) or (203) 566-2102 (TDD)

Protection & Advocacy for Mentally Ill Individuals:

Office of P&A for Handicapped and
Developmentally Disabled Persons
60 Weston St.
Hartford, CT 06120-1551
(203) 297-4300 (Voice) or (203) 566-2102 (TDD)

Vocational Rehabilitation Agency:

State Board of Education
Division of Rehabilitation
10 Griffin Rd., North
Windsor, CT 06095
(203) 289-2003

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Department of Human Resources
Board of Education & Services for the Blind
170 Ridge Rd.
Wethersfield, CT 06109
(203) 566-5800

DELAWARE

ADA Technical Assistance Center
Region III

Mid-Atlantic Disability and Business Technical Assistance Center
2111 Wilson Blvd., Suite 400
Arlington, VA 22201
(703) 525-3268 (Voice/TDD)

Client Assistance Program:

United Cerebral Palsy, Inc.
Client Assistance Program
700 A. Riverroad
Wilmington, DE 19809
(302) 764-2400 (Voice/TDD)

Developmental Disability Council:

Developmental Disability Council
P.O. Box 1401, Priscilla Bldg., 156 S. State St.
Dover, DE 19903
(302) 739-4456

Employment Service:

State Department of Labor
Division of Employment and Training
Stockton Bldg., University Office Plaza
Wilmington, DE 19714
(302) 368-6810

Fair Employment Practice Agency:

Delaware Department of Labor
Anti-Discrimination Section
State Office Building
820 North French St., 6th Fl.
Wilmington, DE 19801
(302) 577-3929

JTPA Liaison:

Division of Employment and Training
University Plaza, Stockton Bldg.
P.O. Box 9499
Newark, DE 19714-9499
(302) 368-6810

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
Delaware Elwyn Bldg., 4th Fl.
321 East 11th St.
Wilmington, DE 19801
(302) 577-3915 (Voice) or (302) 577-2850 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Disabilities Law Program
144 East Market St.
Georgetown, DE 19947
(302) 856-0038

Protection & Advocacy for Mentally Ill Individuals:

Disabilities Law Program
144 East Market St.
Georgetown, DE 19947
(302) 856-0038

Vocational Rehabilitation Agency:

Department of labor
Division of Vocational Rehabilitation
Elwyn Bldg., 4th Fl., 321 East 11th St.
Wilmington, DE 19801
(302) 577-2850 (V/TDD)

Vocational Rehabilitation Agency for Persons who are Blind and Visually Impaired:

Division for the Visually Impaired
Health & Social Service Campus
Biggs Building
1901 North Dupont Highway
New Castle, DE 19720
(302) 421-5730

DISTRICT OF COLUMBIA

ADA Technical Assistance Center (Region III)

Mid-Atlantic Disability and Business Technical Assistance Center
2111 Wilson Blvd., Suite 400
Arlington, VA 22201
(703) 525-3268 (Voice/TDD)

Client Assistance Program:

Rehabilitation Services Administration
Client Assistance Program
605 G St., N.W., Rm. 1004
Washington, DC 20001
(202) 727-0977
(202) 727-0975

Developmental Disability Council:

D.C. Developmental Disability Planning Council
605 G St., N.W., Suite 1120
Washington, DC 20024
(202) 727-4034

Employment Service:

Department of Employment Services
500 C St., N.W., Rm. 600
Washington, DC 20001
(202) 639-1000

Fair Employment Practice Agencies:

D.C. Office of Human Rights
2000 14th St., N.W., 3rd Fl.
Washington, DC 20009
(202) 939-8780

JTPA Liaison:

Department of Employment Services
500 C St., N.W.
Washington, DC 20001
(202) 639-1000

President's Committee Partner:

Mayor's Committee on Persons with Disabilities
East Potomac Bldg., Rm. 1108
605 G St., N.W.
Washington, DC 20001
(202) 727-0904 (Voice)
(202) 727-0925 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Information Protection & Advocacy
Center for Handicapped Individuals
4455 Connecticut Ave., N.W., Suite B
Washington, DC 20008
(202) 966-8081 (Voice)
(202) 966-2500 (TDD)

Protection & Advocacy for Mentally Ill Individuals:

Information Protection & Advocacy
Center for Handicapped Individuals
4455 Connecticut Ave., N.W., Suite B
Washington, DC 20008
(202) 966-8081

Vocational Rehabilitation Agency:

Department of Human Services
D.C. Rehabilitation Services Administration
Commission on Social Services
605 G St., N.W., Rm. 1101
Washington, DC 20001
(202) 727-3227

FLORIDA

ADA Technical Assistance Center (Region IV)

Southeast Disability and Business Technical Assistance Centers
1776 Peachtree St., Suite 310 North
Atlanta, GA 30309
(404) 888-0022 (Voice) or (404) 888-9007 (TDD)

Client Assistance Program:

Advocacy Center for Persons with Disabilities
2671 Executive Center West, Suite 100
Tallahassee, FL 32301-5024
(904) 488-9071 (Voice)
(800) 342-0823 (Voice)
(800) 346-4127 (TDD)

Developmental Disability Council:

Florida Developmental Disability Planning Council
820 East Park Ave., Suite I-100
Tallahassee, FL 32301
(904) 488-4180

Employment Service:

Department of Labor & Employment Security
2012 Capital Circle, S.E.
Hartman Bldg., Suite 303
Tallahassee, FL 32399-2152
(904) 488-4398

Fair Employment Practice Agency:

Florida Commission on Human Relations
325 John Knox Rd., Bldg. F, Suite 240
Tallahassee, FL 32303-1570
(904) 488-5291
(904) 488-7082 (FAX)

JTPA Liaison:

Department of Labor and Employment Security
2012 Capitol Circle, S.E.
Hartman Bldg., Suite 303
Tallahassee, FL 32399-2152
(904) 488-4398

President's Committee Partner:

Florida Governor's Alliance for the Employment of Disabled Citizens
Magnolia Park Pl., Suite A-17
345 South Magnolia Dr.
Tallahassee, FL 32301-2947
(904) 487-2222 (Voice) or (904) 487-0925 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Advocacy Center for Persons with Disabilities
2671 Executive Center Circle West, Suite 100
Tallahassee, FL 32301-5024
(904) 488-9071 (Voice) or (800) 346-4127 (TDD)

Protection & Advocacy for Mentally Ill Individuals:

Advocacy Center for Persons with Disabilities
2671 Executive Center Circle West, Suite 100
Tallahassee, FL 32301-5024
(904) 488-9071 (Voice) or (800) 346-4127 (TDD)

Vocational Rehabilitation Agency:

Department of Labor and Employment Security
Division of Vocational Rehabilitation
1709-A Mahan Dr.
Tallahassee, FL 32399-0696
(904) 488-6210 (Voice) or (904) 922-2246 (TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Department of Education
Division of Blind Services
2540 Executive Center, Crl. West, Douglas Bldg.
Tallahassee, FL 32399
(904) 488-1330 (Voice/TDD)

GEORGIA

ADA Technical Assistance Center (Region IV)

Southeast Disability and Business Technical Assistance Center
1776 Peachtree Rd., Suite 310 North
Atlanta, GA 30309
(404) 888-0022 (Voice) or (404) 888-9007 (TDD)

Client Assistance Program:

Division of Rehabilitation Service
878 Peachtree St., N.E. Suite 708
Atlanta, GA 30309
(404) 894-6725 (Voice/TDD)

Developmental Disability Council:

Governor's Council on Developmental Disability
878 Peachtree St., N.E., #620
Atlanta, GA 30309
(404) 894-5790
(404) 894-2031 (TDD)

Employment Service:

Georgia Department of Labor
148 International Blvd., N.E., Suite 600
Atlanta, GA 30303
(404) 656-3011

Fair Employment Practice Agency:

Georgia Office of Fair Employment Practices
156 Trinity Ave., S.W., Suite 208
Atlanta, GA 30303
(404) 656-1736

JTPA Liaison:

Georgia Department of Labor
148 International Blvd., N.E.
Atlanta, GA 30303
(404) 656-3011

President's Committee Partner:

Governor's Committee on Employment of Handicapped Persons
Division of Rehabilitation Service
Field Services Section, Suite 706
878 Peachtree St., N.E.
Atlanta, GA 30309
(404) 894-7539
(404) 894-6670 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Georgia Advocacy Office, Inc.
1708 Peachtree St., N.W., Suite 505
Atlanta, GA 30309
(404) 885-1234 (Voice/TDD)
(800) 282-4538

Protection & Advocacy for Mentally Ill Individuals:

Georgia Advocacy Office, Inc.
1708 Peachtree St., N.W., Suite 505
Atlanta, GA 30309
(404) 885-1234 (Voice/TDD)
(800) 282-4538

Vocational Rehabilitation Agency:

Department of Human Resources
Division of Rehabilitation Services
878 Peachtree St., N.E., Rm. 706
Atlanta, GA 30309
(404) 894-6670 (Voice/TDD)

HAWAII

ADA Technical Assistance Center
(Region IX)

Pacific Coast Disability and Business Technical Assistance Centers
440 Grand Ave., Suite 500
Oakland, CA 94610
(510) 465-7884 (Voice) or (510) 465-3172 (TDD)

Client Assistance Program:

Protection & Advocacy Agency
1580 Makaloa St., Suite 1060
Honolulu, HI 96814
(808) 949-2922 (Voice/TDD)

Developmental Disability Council:

Hawaii State Planning Council on Developmental Disability
Waterfront Plaza, Tower #5
500 Ala Moana Blvd., Rm. 200
Honolulu, HI 96813
(808) 586-8100

Employment Service:

Department of Labor and Industrial Relations
830 Punchbowl St., Rm. 320
Honolulu, HI 96813
(808) 586-8844

Fair Employment Practice Agency:

Hawaii Civil Rights Commission
888 Mililani St., 2nd. Fl.
Honolulu, HI 96813
(808) 548-7625
(808) 586-8800

JTPA Liaison:

Department of Labor and Industrial Relations
830 Punchbowl St., Rm. 320
Honolulu, HI 96813
(808) 548-3150

President's Committee Partner:

Commission on Persons with Disabilities
500 Ala Moana Blvd.
5 Waterfront Plaza, Rm. 210
Honolulu, HI 96813
(808) 548-7606

Protection & Advocacy for Persons with Developmental Disabilities:

Protection & Advocacy Agency
1580 Makaloa St., Suite 1060
Honolulu, HI 96814
(808) 949-2922 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Protection & Advocacy Agency
1580 Makaloa St., Suite 1060
Honolulu, HI 96814
(808) 949-2922 (Voice/TDD)

Vocational Rehabilitation Agency:

Department of Human Services
Division of Vocational Rehabilitation
Bishop Trust Bldg.
1000 Bishop St., Suite 605
Honolulu, HI 96813
(808) 586-5355 (Voice) or (808) 586-5381 (TDD)

IDAHO

ADA Technical Assistance Center (Region X)

Northwest Disability and Business Technical Assistance Center
605 Woodview Dr.
Lacey, WA 98503
(206) 438-3168 (Voice) or (206) 438-3167 (TDD)

Client Assistance Program:

Co-Ad, Inc.
1409 West Washington St.
Boise, ID 83702
(208) 336-5353

Developmental Disability Council:

Idaho State Council on Developmental Disability
280 North 8th St., Suite 208
Boise, ID 83720
(208) 334-2178 (Voice) or (208) 334-2179 (TDD)
(800) 544-2433 (Voice)

Employment Service:

Department of Employment
317 Main St.
Boise, ID 83735
(208) 334-6110

Fair Employment Practice Agency:

Idaho Human Rights Commission
450 West State St.
Boise, ID 83720
(208) 334-2873

JTPA Liaison:

Idaho Department of Employment
317 Maine St.
Boise, ID 83735-0001
(208) 334-6110

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
Department of Employment
317 Main St.
Boise, ID 83735
(208) 334-6193

Protection & Advocacy for Persons with Developmental Disabilities:

Co-Ad, Inc.
1409 West Washington
Boise, ID 83702
(208) 336-5353

Protection & Advocacy for Mentally Ill Individuals:

Co-Ad, Inc.
1409 West Washington
Boise, ID 83702
(208) 336-5353

Vocational Rehabilitation Agency:

Division of Vocational Rehabilitation
Len B. Jordon Building, Rm. 150
650 West State St.
Boise, ID 83720
(208) 334-3390 (Voice/TDD)

Vocational Rehabilitation Agency for Persons who are Blind and Visually Impaired:

Idaho Commission for the Blind
341 West Washington St.
Boise, ID 83702-6000
(208) 334-3220

ILLINOIS

ADA Technical Assistance Center (Region V)

Great Lakes Disability and Business Technical Assistance Center
1640 West Roosevelt Rd.
Chicago, IL 60608
(312) 413-1407 (Voice) or (312) 413-0453 (TDD)

Client Assistance Program:

Illinois Client Assistance Program
100 North First St., First Fl. West
Springfield, IL 62702-5197
(217) 782-5374
1-800-641-3929 (TDD)

Developmental Disability Council:

Illinois Council on Developmental Disability
State of Illinois Center
100 West Randolph 10-601
Chicago, IL 60601
(312) 814-2080
(312) 814-7151 (TDD)

Employment Service:

Department of Employment Security
401 South State St., Rm. 615
Chicago, IL 60605
(312) 793-5700

Fair Employment Practice Agency:

Illinois Department of Human Rights
100 West Randolph, 10th Fl., Suite 100
Chicago, IL 60601
(312) 814-6245
(312) 263-1579 (TDD)

JTPA Liaison:

Department of Commerce and Community Affairs
JTPA Programs Division
620 East Adams, 6th Fl., Menden Hall
Springfield, IL 62701
(217) 785-6006 (Voice/TDD)

President's Committee Partner:

Liaison to the President's Committee on Employment of People with Disabilities
Department of Rehabilitative Services
623 East Adams St.
Springfield, IL 62794
(217) 782-2093
(217) 782-5734 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Protection & Advocacy, Inc.
11 East Adams, Suite 1200
Chicago, IL 60603
(312) 341-0022 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Protection & Advocacy, Inc.
11 East Adams, Suite 1200
Chicago, IL 60603
(312) 341-0022 (Voice/TDD)

Vocational Rehabilitation Agency:

Illinois Department of Rehabilitation Services
P.O. Box 19429
623 East Adams St.
Springfield, IL 62794-9429
(217) 782-2093
(217) 782-5734 (TDD)

INDIANA

ADA Technical Assistance Center
(Region V)

Great Lakes Disability and Business Technical Assistance Center
1640 West Roosevelt Rd. (M/C 627
Chicago, IL 60608
(312) 413-1407 (Voice) or (312) 413-0453 (TDD)

Client Assistance Program:

Indiana Advocacy Services
850 North Meridian, Suite 2-C
Indianapolis, IN 46204
(317) 232-1150 (Voice/TDD)
(800) 622-4845

Developmental Disability Council:

Governor's Planning Council for People with Disabilities
143 West Market St., Suite 404
Indianapolis, IN 46204
(317) 232-7770

Employment Service:

Department of Employment & Training Services
10 North Senate Ave., Rm. 331
Indianapolis, IN 46204
(317) 232-3270

Fair Employment Practice Agency:

Indiana Civil Rights Commission
32 East Washington St., Suite 900
Indianapolis, IN 46204
(317) 232-2612
(317) 232-1987
(317) 232-2639 (TDD)

JTPA Liaison:

Indiana Department of Employment and Training Services
10 North Senate Ave., Rm. 331
Indianapolis, IN 46204
(317) 232-3270

President's Committee Partner:

Indiana State Commission for the Handicapped
P.O. Box 1964
1330 West Michigan St.
Indianapolis, IN 46206-1964
(317) 633-0288 (Voice)
(317) 633-0859 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Indiana Advocacy Services
850 North Meridian, Suite 2-C
Indianapolis, In 46204
(317) 232-1150 (Voice/TDD)
(800) 622-4845

Protection & Advocacy for Persons with Developmental Disabilities:

Indiana Advocacy Services
850 North Meridian, Suite 2-C
Indianapolis, IN 46204
(317) 232-1150 (Voice/TDD)
(800) 622-4845

Vocational Rehabilitation Agency:

Indiana Department of Human Services
Division of Rehabilitation Services
P.O. Box 7083
402 West Wash. St., Rm. W453, ISTA Bldg.
Indianapolis, IN 46207-7083
(317) 232-1433

IOWA

ADA Technical Assistance Center
(Region VII)

Great Plains Disability and Business Technical Assistance Center
4816 Santana Dr.
Columbia, MO 65203
(314) 882-3600 (Voice/TDD)

Client Assistance Program:

Division of Persons with Disabilities
Client Assistance Program
Lucas State Office Bldg.
Des Moines, IA 50319
(515) 281-3957
(515) 242-6172 (TDD)
1-800-652-4298

Developmental Disability Council:

The Iowa Governor's Planning Council for Developmental Disabilities
Hoover Bldg., 1st Fl.
Des Moines, IA 50319
(515) 281-3758 (Voice) or (515) 281-4355 (TDD)

Employment Service:

Department of Employment Services
1000 East Grand Ave.
Des Moines, IA 50319
(515) 281-5365
(800) 562-4692 (Voice/TDD)

Fair Employment Practice Agency:

Iowa Civil Rights Commission
211 E. Maple St., 2nd Fl.
Grimes State Office Bldg.
Des Moines, IA 50319
(515) 281-4121
(800) 457-4416 (In State Only)

JTPA Liaison:

Iowa Department of Economic Development
Division of Work Force Development
200 East Grand Ave.
Des Moines, IA 50309
(515) 242-4779

President's Committee Partner:

Iowa Commission of Persons with Disabilities
Lucas State Office Bldg.
Des Moines, IA 50319
(515) 281-5969 (Voice)
(515) 242-6172 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Iowa Protection and Advocacy Services, Inc.
3015 Merle Hay Rd., Suite 6
Des Moines, IA 50310
(515) 278-2502

Protection & Advocacy for Mentally Ill Individuals:

Iowa Protection and Advocacy Services, Inc.
3015 Merle Hay Rd., Suite 6
Des Moines, IA 50310
(515) 278-2502

Vocational Rehabilitation Agency:

Department of Education
Iowa Division of Vocational Rehabilitation Services
510 East 12th St.
Des Moines, IA 50319
(515) 281-6731

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Department for the Blind
524 4th St.
Des Moines, IA 50309-2364
(515) 281-1333 (Voice) or (515) 281-1355 (TDD)

KANSAS

ADA Technical Assistance Center (Region VII)

Great Plains Disability and Business Technical Assistance Center
4816 Santana Dr.
Columbia, MO 65203
(314) 882-3600 (Voice/TDD)

Client Assistance Program:

Client Assistance Program
300 S.W. Oakley, Biddle Bldg., 1st Fl.
Topeka, KS 66606-1995
(913) 296-1491 (Voice/TDD)

Developmental Disabilities Council:

Kansas Planning Council on Developmental Disabilities
Docking State Office Bldg., 4th Fl. West
Topeka, KS 66612
(913) 296-2608 (Voice/TDD)

Employment Service:

Kansas Department of Human Resources
401 Topeka Blvd.
Topeka, KS 66603
(913) 296-7474

Fair Employment Practice Agency:

Kansas Human Rights Commission
Landon State Office Bldg., Suite 851-S
900 Jackson St.
Topeka, KS 66612-1258
(913) 296-3206 (Voice) or (913) 296-0245 (TDD)

JTPA Liaison:

Kansas Department of Human Resources
Division of Employment and Training
401 Topeka Blvd.
Topeka, KS 66603
(913) 296-7874

President's Committee Partner:

Kansas Commission on Disability Concerns
1430 S.W. Topeka Ave.
Topeka, KS 66612-1877
(913) 296-1722 (Voice)
(913) 296-5044 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Kansas Advocacy & Protective Service
513 Leavenworth St., Suite 2
Manhattan, KS 66502
(913) 776-1541
(800) 432-8276 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Kansas Advocacy & Protective Service
513 Leavenworth St., Suite 2
Manhattan, KS 66502
(913) 776-1541
(800) 432-8276

Vocational Rehabilitation Agency:

Department of Social and Rehabilitation Services
300 Southwest Oakley St.
Biddle Bldg., 1st Fl.
Topeka, KS 66606

KENTUCKY

ADA Technical Assistance Center (Region IV)

Southeast Disability and Business Technical Assistance Center
1776 Peachtree Rd., Suite 310 North
Atlanta, GA 30309
(404) 888-0022 (Voice) or (404) 888-9007 (TDD)

ADA Technical Assistance Program:

Southeast Disability and Business
Technical Center
1776 Peachtree St.
Suite 310, North
Atlanta, GA 30309
(404) 888-0022 (Voice)
(404) 888-9007 (TDD)

Client Assistance Program:

Client Assistance Program
500 Mero St., 920 Capitol Plaza Tower
Frankfort, KY 40601
(502) 564-8035 (Voice/TDD)
(800) 633-6283 (In State Only Voice/TDD)

Developmental Disability Council:

Department for Mental Health and Mental
Retardation
The Kentucky Developmental Disabilities
Planning Council
275 East Main St.
Frankfort, KY 40621
(502) 564-4448 (Voice/TDD)

Employment Service:

Department for Employment Services
275 East Main St., 2nd West
Frankfort, KY 40621
(502) 564-5331

JTPA Liaison:

Department for Employment Services
Cabinet for Human Resources
275 East Main St., 2-West
Frankfort, KY 40621
(502) 564-5331

President's Committee Partner:

Kentucky Committee on Employment of People
with Disabilities
600 West Cedar St.
Louisville, KY 40203
(502) 588-4073

Protection & Advocacy for Persons with Developmental Disabilities:

Division for Protection & Advocacy
Office for Public Advocacy
1264 Louisville Rd., Perimeter Park West
Frankfort, KY 40601
(502) 564-2967 (Voice)
(800) 372-2988 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Division for Protection & Advocacy
Office for Public Advocacy
1264 Louisville Rd., Perimeter Park West
Frankfort, KY 40601
(502) 564-2967 (Voice)
(800) 372-2988 (Voice/TDD)

Vocational Rehabilitation Agency:

Department of Vocational Rehabilitation
500 Mero St., Capitol Plaza Tower, 9th Fl.
Frankfort, KY 40601
(502) 564-4440 (Voice/TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Kentucky Department for the Blind
427 Versailles Rd.
Frankfort, KY 40601
(502) 564-4754

LOUISIANA

ADA Technical Assistance Center
(Region VI)

Southwest Disability and Business Technical Assistance Center
2323 South Sheperd Blvd., Suite 1000
Houston, TX 77019
(713) 520-0232 (Voice) or (713) 520-5136 (TDD)

Client Assistance Program:

Advocacy Center for the Elderly and Disabled
210 O'Keefe, Suite 700
New Orleans, LA 70112
(504) 522-2337 (Voice/TDD)
(800) 622-7705 (Voice)

Developmental Disability Council:

Louisiana State Planning Council on
Developmental Disabilities
P.O. Box 3455
Baton Rouge, LA 70821-3455
(504) 342-7700 (Voice/TDD)
(800) 922-DIAL (Voice) or (800) 256-1633 (TDD)

Employment Service:

Department of Employment & Training
P.O. Box 94094
Baton Rouge, LA 70804-9094
(504) 342-3011

JTPA Liaison:

Office of Labor
P.O. Box 94094
Baton Rouge, LA 70804-9094
(504) 342-7692

Protection & Advocacy of Individual Rights:

Advocacy Center for the Elderly and Disabled
210 O'Keefe, Suite 700
New Orleans, LA 70112
(504) 522-2337 or (800) 662-7705

President's Committee Partner:

Louisiana Rehabilitation Services
P.O. Box 94371
Baton Rouge, LA 70804
(504) 765-2310 (Voice/TDD)
(800) 256-1523 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Advocacy Center for the Elderly and Disabled
210 O'Keefe, Suite 700
New Orleans, LA 70112
(504) 522-2337 (Voice/TDD)
(800) 662-7705 (Voice)

Protection & Advocacy for Mentally Ill Individuals:

Advocacy Center for the Elderly and Disabled
210 O'Keefe, Suite 700
New Orleans, LA 70112
(504) 522-2337 (Voice/TDD)
(800) 662-7705 (Voice)

Vocational Rehabilitation Agency:

Department of Social Services
Division of Rehabilitation Services
P.O. Box 94371
Baton Rouge, LA 70804
(504) 765-2310 (Voice/TDD)
(800) 256-1523 (Voice/TDD)

MAINE

ADA Technical Assistance Center
(Region I)

New England Disability and Business Technical Assistance Center
145 Newbury St.
Portland, ME 04101
(207) 874-6535 (Voice/TDD)

Client Assistance Program:

Maine Advocacy Services
1 Grandview Pl., Suite 1, Box 445
Winthrop, ME 04364
(207) 377-6202 (Voice/TDD)
(800) 452-1948 (In State Only/Voice/TDD)

Developmental Disability Council:

Developmental Disability Council
Nash Bldg. STA #139
Augusta, ME 04330-9947
(207) 289-4213

Employment Service:

Maine Department of Labor
Bureau of Employment Security
20 Union St.
Augusta, ME 04330
(207) 289-2411

Fair Employment Practice Agency:

Maine Human Rights Commission
Statehouse Station 51
Augusta, ME 04333
(207) 289-2326 (Voice/TDD)

JTPA Liaison:

Bureau of Employment and Training Programs
Statehouse Station 55
Augusta, ME 04333
(207) 289-3377 (Voice) or (207) 289-4767 (FAX)

Protection & Advocacy of Individual Rights:

Maine Advocacy Services
1 Grandview Pl., Suite 1, Box 445
Winthrop, ME 04364
(207) 377-6202 or (800) 452-1948 (Voice/TDD)

President's Committee Partner:

Governor's Committee on Employment of the Handicapped
35 Anthony Ave.
Augusta, ME 04330

Protection & Advocacy for Persons with Developmental Disabilities:

Maine Advocacy Services
1 Grandview Pl., Suite 1, Box 445
Winthrop, ME 04364
(207) 377-6202 or (800) 452-1948 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Maine Advocacy Services
1 Grandview Pl., Suite 1, Box 445
Winthrop, ME 04364
(207) 377-6202 or (800) 452-1948 (Voice/TDD)

Vocational Rehabilitation Agency:

Department of Human Services
Bureau of Rehabilitation
35 Anthony Ave.
Augusta, ME 04333-0011
(207) 624-5300 (Voice)
(207) 624-5322 or (800) 332-1003 (TDD)

MARYLAND

ADA Technical Assistance Center
(Region III)

Mid-Atlantic Disability and Business Technical Assistance Center
2111 Wilson Blvd., Suite 400
Arlington, VA 22201
(703) 525-3268 (Voice/TDD)

Client Assistance Program:

Maryland State Department of Education
Division of Vocational Rehabilitation
Client Assistance Program
300 West Preston St., Suite 205
Baltimore, MD 21201
(410) 333-7251 (Voice) or (410) 333-7676 (TDD)

Developmental Disability Council:

Maryland Developmental Disability Council
One Market Center
300 West Lexington St., Box 10
Baltimore, MD 21201
(410) 333-3688 (Voice/TDD)

Employment Service:

Department of Economic and Employment Development
Office of Employment Services
Executive Director's Office
1100 North Eutaw St., Rm. 600
Baltimore, MD 21201
(410) 333-5070 (Voice) or (410) 333-1737 (TDD)

Fair Employment Practice Agency:

Maryland Commission on Human Relations
20 East Franklin St.
Baltimore, MD 21202
(301) 333-5518

JTPA Liaison:

Department of Economic & Employment Development
Office of Employment & Training
1100 N. Eutaw St., Rm. 316
Baltimore, MD 21201
(410) 333-5718

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
1 Market Center, Box 10
300 West Lexington St.
Baltimore, MD 21201-3435
(410) 333-2263 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Maryland Disability Law Center
2510 St. Paul St.
Baltimore, MD 21218
(410) 235-4700
(410) 235-4227 (TDD)
(800) 233-7201

Protection & Advocacy for Mentally Ill Individuals:

Maryland Disability Law Center
2510 St. Paul St.
Baltimore, MD 21218
(410) 235-4700
(800) 233-7201

Vocational Rehabilitation Agency:

Division of Vocational Rehabilitation
Administrative Offices
2301 Argonne Dr.
Baltimore, MD 21218
(410) 554-3000
(410) 554-3277

MASSACHUSETTS

ADA Technical Assistance Center
(Region I)

New England Disability and Business Technical Assistance Center
145 Newbury St.
Portland, ME 04101
(207) 874-6535 (Voice/TDD)

Client Assistance Program:

Massachusetts Office on Disability
Client Assistance Program
One Ashburton Pl., Rm. 1305
Boston, MA 02108
(617) 727-7440 or (800) 322-2020 (Voice/TDD)

Developmental Disability Council:

Massachusetts Developmental Disability Council
600 Washington St., Rm. 670
Boston, MA 02111
(617) 727-6374 (Voice/TDD)

Employment Service:

Department of Employment & Training
19 Staniford St., 3rd Fl.
Boston, MA 02114
(617) 727-6600 (Voice)
(617) 727-4404 or (617) 727-8660 (TDD)

Fair Employment Practice Agency:

Massachusetts Commission Against
Discrimination
One Ashburton Pl., Rm. 601
Boston, MA 02108
(617) 727-3990

JTPA Liaison:

Department of Employment and Training
Charles F. Hurley Bldg.
Government Center, 19 Staniford St.
Boston, MA 02114
(617) 727-6600 (Voice) or (617) 727-8660 (TDD)

President's Committee Partner:

Governor's Commission on Employment of People
with Disabilities
Department of Employment and Training
Commissioner's Office
19 Standford St., 3rd Fl.
Boston, MA 02114
(617) 727-6600 (Voice)
(617) 727-4404 or (617) 727-8660 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Disability Law Center, Inc.
11 Beacon St., Suite 925
Boston, MA 02108
(617) 723-8455 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Center for Public Representation
22 Green St.
Northampton, MA 01060
(413) 584-1644 (Voice) or (413) 586-6024 (TDD)

Vocational Rehabilitation Agency:

Massachusetts Rehabilitation Commission
Fort Point Pl., 27-43 Wormwood St.
Boston, MA 02210-1606
(617) 727-2172 (Voice) or (617) 727-2170 (TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Massachusetts Commission for the Blind
88 Kingston St.
Boston, MA 02111-2227
(617) 727-5550 or (800) 392-6450 (Voice)
(800) 392-6556 (TDD)

MICHIGAN

ADA Technical Assistance Center (Region V)

Great Lakes Disability and Business Technical Assistance Center
1640 West Roosevelt Rd. (M/C 627)
Chicago, IL 60608
(312) 413-1407 (Voice) or (312) 413-0453 (TDD)

Client Assistance Program:

Michigan Rehabilitation Services
P.O. Box 30008
Lansing, MI 48909
(517) 373-8193 (Voice/TDD)
(800) 292-5896 (Voice/TDD)

Developmental Disability Council:

Michigan Developmental Disability Council
Lewis Cass Bldg., 6th Fl.
Lansing, MI 48913
(517) 334-6123 (Voice) or (517) 334-7354 (TDD)

Employment Service:

Michigan Employment Security Commission
7310 Woodward Ave.
Detroit, MI 48202
(313) 876-5500 (Voice) or (313) 876-5540 (TDD)

Fair Employment Practice Agency:

Michigan Department of Civil Rights
1200 6th Ave., Michigan Plaza Bldg.
Detroit, MI 48226
(313) 256-2615 (Voice) or (313) 961-1552 (TDD)

JTPA Liaison:

Michigan Department of Labor
P.O. Box 30015
Lansing, MI 48909
(517) 373-9600

Protection & Advocacy for Individual Rights:

Michigan P&A Service
109 West Michigan, Suite 900
Lansing, MI 48933
(517) 487-1755

President's Committee Partner:

Michigan Commission on Handicapper Concerns
P.O. Box 30015, 201 N. Washington Ave.
Lansing, MI 48909
(517) 373-8397 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Michigan Protection & Advocacy Service
109 West Michigan, Suite 900
Lansing, MI 48933
(517) 487-1755 (Voice/TDD)
(800) 292-5923 (In State Only/Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Michigan Protection and Advocacy Service
109 West Michigan, Suite 900
Lansing, MI 48933
(517) 487-1755 (Voice/TDD)
(800) 292-5923 (In State Only/Voice/TDD)

Vocational Rehabilitation Agency:

Department of Education
Michigan Rehabilitation Services
P.O. Box 30010
Lansing, MI 48909
(517) 373-3390 (Voice) or (517) 355-6745 (TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Department of Labor
Commission for the Blind
201 North Washington Sq.
Lansing, MI 48909
(517) 373-2062 (Voice) or (517) 373-4025 (TDD)
(800) 292-4200 (In State Only)

MINNESOTA

ADA Technical Assistance Center (Region V)

Great Lakes Disability and Business Technical Assistance Center
1640 West Roosevelt Rd. (M/C 627)
Chicago, IL 60608
(312) 413-1407 (Voice) or (312) 413-0453 (TDD)

Client Assistance Program:

Minnesota Disability Law Center
430 First Ave. North, Suite 300
Minneapolis, MN 55401-1780
(612) 332-1441 (Voice) or (800) 292-4150 (TDD)

Developmental Disability Council:

Governor's Planning Council on Developmental Disabilities
658 Cedar St., 300 Centennial Office Bldg.
St. Paul, MN 55155
(612) 296-4018 (Voice) or (612) 296-9962 (TDD)

Employment Service:

Minnesota Department of Jobs and Training
390 North Robert St.
St. Paul, MN 55101
(612) 296-3711 (Voice) or (612) 296-3900 (TDD)
(800) 328-9095 (In State Only/Voice)

Fair Employment Practice Agency:

Minnesota Department of Human Rights
Seventh Pl. & Minnesota St.
500 Bremer Tower, 5th Fl.
St. Paul, MN 55101
(612) 296-5665 or (800) 652-9747 (Voice)
(612) 296-1283 (TDD)

JTPA Liaison:

Minnesota Department of Jobs and Training
Community Based Services Division
150 E. Kellogg, 690 American Center Bldg.
St. Paul, MN 55101
(612) 296-8004 or (800) 456-8519 (Voice)
(612) 297-3944 (TDD)

President's Committee Partner:

Minnesota State Council on Disability
121 E. 7th Pl., Suite 145
St. Paul, MN 55101
(612) 296-6785 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Minnesota Disability Law Center
430 First Ave. North, Suite 300
Minneapolis, MN 55401-1780
(612) 332-1441 (Voice) or (612) 332-4668 (TDD)
(800) 292-4150 (In State Only/Voice)

Protection & Advocacy for Mentally Ill Individuals:

Minnesota Disability Law Center
430 First Ave. North, Suite 300
Minneapolis, MN 55401-1780
(612) 332-1441 (Voice) or (612) 332-4668 (TDD)
(800) 292-4150 (In-State Only)

Vocational Rehabilitation Agency:

Department of Jobs & Training
Division of Rehabilitation Services
390 North Robert St., 5th Fl.
St. Paul, MN 55101
(612) 296-5616 (Voice) or (612) 296-3900 (TDD)
(800) 328-9095 (In-State Only)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

State Services for the Blind
1745 University Ave. W.
St. Paul, MN 55104
(612) 642-0508 (Voice) or (612) 642-0506 (TDD)
(800) 652-9000 (In State Only/Voice)

MISSISSIPPI

ADA Technical Assistance Center (Region IV)

Southeast Disability and Business Technical Assistance Center
1776 Peachtree Rd., Suite 301 North
Atlanta, GA 30309
(404) 888-0022 (Voice) or (404) 888-9007 (TDD)

Client Assistance Program:

Easter Seal Society
Client Assistance Program
3226 North State St.
Jackson, MS 39216
(601) 981-9646 or (800) 962-2400 (Voice)

Developmental Disability Council:

Developmental Disability Planning Council
1101 Robert E. Lee Bldg.
Jackson, MS 39201
(601) 359-6238

Employment Service:

Mississippi Employment Security Commission
P.O. Box 1699
Jackson, MS 39215-1699
(601) 961-7400

JTPA Liaison:

Department of Economic & Community Development
Employment Training Division
301 Pearl St.
Jackson, MS 39203-3089
(601) 949-2234

President's Committee Partner:

Governor's Office of Handicapped Services
Mississippi Department of Rehabilitation Services
P.O. Box 22806
Jackson, MS 39225-2806
(601) 354-6100 or (800) 622-6052 (Voice)

Protection & Advocacy for Persons with Developmental Disabilities:

Mississippi P&A System, Inc.
4793 B McWillie Dr.
Jackson, MS 39206
(601) 981-8207 (Voice/TDD)
(800) 772-4057 (Voice)

Protection & Advocacy for Mentally Ill Individuals:

Mississippi P&A System for, Inc.
4793 B McWillie Dr.
Jackson, MS 39206
(601) 981-8207 or (800) 772-4057 (Voice)
(601) 981-8207 (Voice/TDD)

Vocational Rehabilitation Agency:

Division of Vocational Rehabilitation Services
P.O. Box 1698
Jackson, MS 39215
(601) 354-6825 (Voice/TDD)
(800) 443-1000 (In State Only/Voice)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Vocational Rehabilitation for the Blind
P.O. Box 4872
Jackson, MS 39296-4872
(601) 354-6411

MISSOURI

ADA Technical Assistance Center
(Region VII)

Great Plains Disability and Business Technical Assistance Center
4816 Santana Dr.
Columbia, MO 65203
(314) 882-3600 (Voice/TDD)

Client Assistance Program:

Missouri P&A Services
925 South Country Club Dr., Unit B-1
Jefferson City, MO 65109
(314) 893-3333 (Voice/TDD)
(800) 392-8667 (Voice)

Developmental Disability Council:

Missouri Planning Council for Developmental Disabilities
P.O. Box 687
1706 East Elm St.
Jefferson City, MO 65101
(314) 751-4054

Employment Service:

Division of Employment Security
P.O. Box 59
Jefferson City, MO 65104
(314) 751-3976

Fair Employment Practice Agency:

Missouri Commission on Human Rights
3315 West Truman Blvd.
P.O. Box 1129
Jefferson City, MO 65102-1129
(314) 444-7590 (Voice/TDD)

JTPA Liaison:

Department of Economic Development
Division of Job Development and Training
221 Metro Dr.
Jefferson City, MO 65109
(314) 751-7796 or (800) 877-8698 (Voice)

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
P.O. Box 1668, 3315 West Truman Blvd.
Jefferson City, MO 65102
(314) 751-2600 or (800) 877-8249 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Missouri Protection & Advocacy Services
925 South Country Club Dr., Unit B-1
Jefferson City, MO 65109
(314) 893-3333 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Missouri P&A Services
925 South Country Club Dr., Unit B-1
Jefferson City, MO 65109
(314) 893-3333 (Voice/TDD)

Vocational Rehabilitation Agency:

State Department of Elementary & Secondary Education
Division of Vocational Rehabilitation
2401 East McCarty St.
Jefferson City, MO 65101
(314) 751-3251 (Voice)
(314) 751-0881 or (314) 751-5627 (Voice/TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Division of Family Services
Bureau for the Blind
619 East Capitol
Jefferson City, MO 65101
(314) 751-4249

MONTANA

ADA Technical Assistance Center (Region VIII)

Rocky Mountain Disability and Business Technical Assistance Center
3630 Sinton Rd., Suite 103
Colorado Springs, CO 80907-5072
(719) 444-0252 (Voice) or (719) 444-0268 (TDD)

Client Assistance Program:

Montana Advocacy Program
1410 8th Ave.
Helena, MT 59601
(406) 444-3889 (Voice/TDD)
(800) 245-4743 (Voice)

Developmental Disability Council:

Developmental Disability Planning & Advisory Council
P.O. Box 526, 111 North Last Chance Gulch
Arcade Bldg., Unit 1-C
Helena, MT 59624
(406) 444-1334

Employment Service:

Department of Labor & Industry
P.O. Box 1728
Helena, MT 59624
(406) 444-3555

Fair Employment Practice Agency:

Department of Labor & Industry
Montana Human Rights Commission
P.O. Box 1728, 1236 6th Ave.
Helena, MT 59624-1728
(406) 444-2884
(800) 542-0807

JTPA Liaison:

Department of Labor & Industry
Research, Safety and Training Division
P.O. Box 1728
Helena, MT 59624
(406) 444-4500 or (800) 542-0807

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
Personnel Division
Mitchell Building, Rm. 130
Helena, MT 59620
(406) 444-3871 or (406) 444-3886

Protection & Advocacy for Persons with Developmental Disabilities:

Montana Advocacy Program
1410 8th Ave.
Helena, MT 59601
(406) 444-3889 (Voice/TDD)
(800) 245-4743 (Voice)

Protection & Advocacy for Mentally Ill Individuals:

Montana Advocacy Program
1410 8th Ave.
Helena, MT 59601
(406) 444-3889 (Voice/TDD)
(800) 245-4743 (Voice)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Department of Social and Rehabilitation Services
Rehabilitative/Visual Services Division
P.O. Box 4210, 111 Sanders
Helena, MT 59604
(406) 444-2590 (Voice/TDD)

NEBRASKA

ADA Technical Assistance Center
(Region VII)

Great Plains Disability and Business Technical Assistance Center
4816 Santana Dr.
Columbia, MO 65203
(314) 882-3600 (Voice/TDD)

Client Assistance Program:

Nebraska Department of Education
Division of Rehabilitation Services
Client Assistance Program
301 Centennial Mall South
Lincoln, NE 68509-4987
(402) 471-3656 (Voice/TDD)
(800) 742-7594 (Voice/In-State Only)

Developmental Disability Council:

Nebraska Governor's Planning Council on
Developmental Disabilities
c/o Department of Health
P.O. Box 95007, 301 Centennial Mall South
Lincoln, NE 68509-5007
(402) 471-2330

Employment Service:

Department of Labor
550 South 16th St.
Lincoln, NE 68509-4600
(402) 471-3405

Fair Employment Practice Agency:

Nebraska Equal Opportunity Commission
301 Centennial Mall South
P.O. Box 94934, 5th Fl.
Lincoln, NE 68509
(402) 471-2024 or (800) 642-6112

JTPA Liaison:

Department of Labor
P.O. Box 94600, 550 South 16th St.
Lincoln, NE 68509-4600
(402) 471-9000

President's Committee Partner:

Governor's Committee on the Employment of the
Handicapped
Nebraska Job Service
Department of Labor
550 South 16th St., Box 94600
Lincoln, NB 68509
(402) 475-8451

Protection & Advocacy for Persons with Developmental Disabilities:

Nebraska Advocacy Services, Inc.
522 Lincoln Ctr. Bldg.
215 Centennial
Lincoln, NE 68508
(402) 474-3183 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Nebraska Advocacy Services, Inc.
522 Linclon Ctr. Bldg., 215 Centennial Mall S.
Lincoln, NE 68508
(402) 474-3183 (Voice/TDD)

Vocational Rehabilitation Agency:

State Department of Education
Vocational of Rehabilitation Services
301 Centennial Mall, S., 6th Fl.
Lincoln, NE 68509
(402) 471-3649 (Voice) or (402) 471-3659 (TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

State Department of Public Institutions
Services for the Visually Impaired
4600 Valley Rd.
Lincoln, NE 68510-4844
(402) 471-2891 (Voice/TDD)

NEVADA

ADA Technical Assistance Center
(Region IX)

Pacific Coast Disability and Business Technical Assistance Centers
440 Grand Ave., Suite 500
Oakland, CA 94610
(510) 465-7884 (Voice) or (510) 465-3172 (TDD)

Client Assistance Program:

Client Assistance Program
3100 Mill St., #115
Reno, NV 89502
(702) 688-1440 (Voice/TDD)
(800) 688-1440 (Voice)

Developmental Disability Council:

Developmental Disability Council
Department of Rehabilitation
505 East King St., Rm. 502
Carson City, NV 89710
(702) 687-4452 (Voice/TDD)

Employment Service:

Nevada Employment Security Department
500 East 3rd St.
Carson City, NV 89713
(702) 687-4635

Fair Employment Practice Agency:

Nevada Equal Rights Commission
1515 East Tropicana, Suite 590
Las Vegas, NV 89158
(702) 486-7161

JTPA Liaison:

State Job Training Office
Capitol Complex, 400 West King
Carson City, NV 89710
(702) 687-4310

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
3100 Mill International, Suite 115
Reno, NV 89502
(702) 688-1111 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Office of Protection & Advocacy, Inc.
2105 Capurro Way, Suite B
Sparks, NV 89431
(702) 688-1233 or (800) 992-5715

Protection & Advocacy for Mentally Ill Individuals:

Office of Protection & Advocacy, Inc.
2105 Capurro Way, Suite B
Sparks, NV 89431
(702) 789-0233 or (800) 992-5715

Vocational Rehabilitation Agency:

Department of Human Resources
Rehabilitation Division
505 East King St., 5th Fl.
Carson City, NV 90710
(702) 687-4440 (Voice/TDD)

NEW HAMPSHIRE

ADA Technical Assistance Center (Region I)

New England Disability and Business Technical Assistance Center
145 Newbury St.
Portland, ME 04101
(207) 874-6535 (Voice/TDD)

Client Assistance Program:

Governor's Commission on Disability
Client Assistance Program
57 Regional Dr.
Concord, NH 03301-9686
(603) 271-2773 (Voice/TDD)
(800) 852-3405 (Voice/In-State Only)

Developmental Disability Council:

New Hampshire Developmental Disability Council
The Concord Center, 10 Ferry St., Unit 315
Concord, NH 03301-5022
(603) 271-3236 (Voice)
(603) 225-4033 (Voice/TDD)

Employment Service:

Department of Employment Security
32 South Main St.
Concord, NH 03301-4857
(603) 228-4000 (Voice) or (603) 225-4033 (TDD)

Fair Employment Practice Agency:

New Hampshire Commission for Human Rights
163 Loudon Rd.
Concord, NH 03301
(603) 271-2767 and (603) 225-4033

JTPA Liaison:

New Hampshire Job Training Coordinating Council
64 Old Suncook Rd.
Concord, NH 03301
(603) 228-9500 (Voice)
(800) 772-7001 (Voice/In-State Only)

Protection & Advocacy for Individual Rights:

Disabilities Rights Center
P.O. Box 19
Concord, NH 03302-0019
(603) 228-0432

President's Committee Partner:

Governor's Commission on Disability
57 Regional Dr.
Concord, NH 03301
(603) 271-2773 (Voice/TDD)
(800) 852-3405 (In-State Only)

Protection & Advocacy for Persons with Developmental Disabilities:

Disabilities Rights Center
P.O. Box 19
Concord, NH 03302-0019
(603) 228-0432 (Voice/TDD)
(800) 834-1721 (In-State Only)

Protection & Advocacy for Mentally Ill Individuals:

Disabilities Rights Center
P.O. Box 19
Concord, NH 03302-0019
(603) 228-0432 (Voice/TDD)
(800) 834-1721 (In-State Only)

Vocation Rehabilitation Agency:

State Department of Education
Division of Vocational Rehabilitation
78 Regional Dr., Building #2
Concord, NH 03301-9686
(603) 271-3471 (Voice/TDD)

NEW JERSEY

ADA Technical Assistance Center (Region II)

Northeast Disability and Business Technical Assistance Center
354 South Broad St.
Trenton, NJ 08608
(609) 392-4004 (Voice) or (609) 392-7044 (TDD)

Client Assistance Program:

Division of Advocacy for the Developmentally Disabled
Client Assistance Program, CN 850
Trenton, NJ 08625
(609) 292-9742 (Voice/TDD)
(800) 922-7233 (Voice)

Developmental Disability Council:

New Jersey Developmental Disability Council
32 West State St., CN 700
Trenton, NJ 08625
(609) 292-3745 (Voice) or (609) 777-3293 (TDD)

Employment Service:

New Jersey Department of Labor
CN 110
Trenton, NJ 08625-0110
(609) 292-2323

Fair Employment Practice Agency:

Department of Law & Public Safety
New Jersey Division on Civil Rights
CN 089
31 Clinton St.
Newark, NJ 07102
(201) 648-2700

JTPA Liaison:

State of New Jersey
Department of Labor
Trenton, NJ 08625
(609) 292-2323

President's Committee Partner:

Governor's Liaison to the President's Committee
Commissioner of Labor
New Jersey Department of Labor, Cn-110
Trenton, NJ 08625
(609) 292-2323 or (609) 292-2919

Protection & Advocacy for Persons with Developmental Disabilities:

Division of Advocacy for the Developmentally Disabled
Client Assistance Program, CN 850
Trenton, NJ 08625
(609) 292-9742 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

New Jersey Department of Public Advocate
Division on Mental Health Advocacy
Hughes Justice Complex, CN 850
Trenton, NJ 08625
(609) 292-1750

Vocational Rehabilitation Agency:

New Jersey Department of Labor & Industry
Division of Vocational Rehabilitation Services
John Fitch Plaza, CN 398
Trenton, NJ 08625
(609) 292-5987 (Voice) or (609) 292-2919 (TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Commission for the Blind and Visually Impaired
P.O. Box 47017, 153 Halsey St.
Newark, NJ 07102
(201) 648-2324 (Voice) or (201) 648-4559 (TDD)

NEW MEXICO

ADA Technical Assistance Center
(Region VI)

Southwest Disability and Business Technical Assistance Center
2323 South Sheperd Blvd., Suite 1000
Houston, TX 77019
(713) 520-0232 (Voice) or (713) 520-5136 (TDD)

Client Assistance Program:

Protection & Advocacy System, Inc.
1720 Louisiana Blvd., N.E., Suite 204
Albuquerque, NM 87110
(800) 432-4687 (Voice/TDD)

Developmental Disability Council:

NM Developmental Disability Planning Council
2025 South Pacheco St., Suite 200-B
Santa Fe, NM.87505
(505) 827-6260 (Voice) or (505) 827-6264 (TDD)

Employment Service:

New Mexico Department of Labor
P.O. Box 1928
Albuquerque, NM 87103
(505) 841-8409

Fair Employment Practice Agency:

New Mexico Human Rights Commission
1596 Pacheco St., Aspen Plaza
Santa Fe, NM 87502
(505) 827-6838

JTPA Liaison:

New Mexico Department of Labor
P.O. Box 1928
Albuquerque, NM 87103
(505) 841-8409

Protection & Advocacy for Individual Rights:

Protection & Advocacy System, Inc.
1720 Louisiana Blvd., N.E., Suite 204
Albuquerque, NM 87110
(800) 432-4687 (Voice/TDD)

President's Committee Partner:

Governor's Committee on Concerns of the Handicapped
491 Old Santa Fe Trail, Lamy Bldg., Rm. 117
Santa Fe, NM 87503
(505) 827-6328 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Protection & Advocacy System, Inc.
1720 Louisiana Blvd., N.E., Suite 204
Albuquerque, NM 87110
(800) 432-4687 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Protection & Advocacy System, Inc.
1720 Louisiana Blvd., N.E., Suite 204
Albuquerque, NM 87110
(505) 256-3100 (Voice)
(800) 432-4687 (Voice/TDD)

Vocational Rehabilitation Agency:

State Department of Education
Division of Vocational Rehabilitation
604 West San Mateo
Santa Fe, NM 87503
(505) 827-3511 (Voice) or (505) 827-3510 (TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Commission for the Blind
Pera Bldg., Rm. 205
Santa Fe, NM 87503
(505) 827-4479

NEW YORK

ADA Technical Assistance Center
(Region II)

Northeast Disability and Business Technical Assistance Center
354 South Broad St.
Trenton, NJ 08608
(609) 392-4004 (Voice) or (609) 392-7044 (TDD)

Client Assistance Program:

New York State Commission on Quality of Care
for the Mentally Disabled
99 Washington Ave., Suite 1002
Albany, NY 12210-2895
(518) 473-7378 (Voice) or (800) 624-4143 (TDD)

Developmental Disability Council:

New York State Developmental Disability
Planning Council
155 Washington Ave., 2nd Fl.
Albany, NY 12210
(518) 432-8233 (Voice) or (518) 432-8245 (TDD)

Employment Service:

New York State Department of Labor
State Office Bldg. Campus, Bldg. 12, Rm. 592
Albany, NY 12240
(518) 457-2270

Fair Employment Practice Agency:

New York State Division of Human Rights
55 West 125th St., 13th Fl.
New York, NY 10027
(212) 870-8566

JTPA Liaison:

New York State Department of Labor
State Office Bldg. Campus, Bldg. 12
Albany, NY 12240
(518) 457-2741

Protection & Advocacy for Individual Rights:

New York Commission on Quality of Care for the
Mentally Disabled
99 Washington Ave., Suite 1002
Albany, NY 12210-2895
(518) 473-7378 (Voice) or (800) 624-4143 (TDD)

President's Committee Partner:

NY State Office of Advocate for the Disabled
One Empire State Plaza, Bldg. #1, 10th Fl.
Albany, NY 12223
(518) 473-4129 (Voice) or (518) 473-4231 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

New York Commission on Quality of Care
for the Mentally Disabled
99 Washington Ave., Suite 1002
Albany, NY 12210-2895
(518) 473-7378 (Voice) or (800) 624-4143 (TDD)

Protection & Advocacy for Mentally Ill Individuals:

New York Commission on Quality of Care
for the Mentally Disabled
99 Washington Ave., Suite 1002
Albany, NY 12210-2895
(518) 473-7378 (Voice) or (800) 624-4143 (TDD)

Vocational Rehabilitation Agency:

The New York State Education Department
Vocational Educational Services for Individuals
with Disabilities
One Commerce Plaza, Rm. 1606
Albany, NY 12234
(518) 473-9333 (Voice)
(800) 222-5627 (Voice/TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

State Department of Social Services
Commission for the Blind and Visually
Handicapped
40 North Pearl St., 10 Eyck Office Bldg.
Albany, NY 12243

NORTH CAROLINA

ADA Technical Assistance Center (Region IV)

Southeast Disability and Business Technical Assistance Centers
1776 Peachtree Rd., Suite 310 North
Atlanta, GA 30309
(404) 888-0022 (Voice) or (404) 888-9007 (TDD)

Client Assistance Program:

North Carolina Division of Vocational Rehabilitation Services
P.O. Box 26053
Raleigh, NC 27611
(919) 733-3364 (Voice)
(919) 733-5924 (TDD)

Developmental Disability Council:

North Carolina Council on Developmental Disability
1508 Western Blvd.
Raleigh, NC 27606
(919) 733-6566 (Voice/TDD)

Employment Service:

Employment Security Commission of North Carolina
P.O. Box 25903
Raleigh, NC 27611
(919) 733-7546

Fair Employment Practice Agency:

North Carolina Office of Administrative Hearings-Civil Rights Division
P. O. Drawer 27447
Raleigh, NC 27611-7447
(919) 733-0431 (Voice/TDD)

JTPA Liaison:

Department of Economic and Community Development
Division of Employment and Training
111 Seaboard Ave.
Raleigh, NC 27604
(919) 733-6383

President's Committee Partner:

Governor's Advocacy Council for Persons with Disabilities
1318 Dale St., Suite 100
Raleigh, NC 27605-1275
(919) 733-9250 (Voice/TTD)

Protection & Advocacy for Persons with Developmental Disabilities:

Governor's Advocacy Council for Persons with Disabilities
1318 Dale St., Suite 100
Raleigh, NC 27605-1275
(919) 733-9250 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Governor's Advocacy Council for Persons with Disabilities
1318 Dale St., Suite 100
Raleigh, NC 27605-1275
(919) 733-9250 (Voice/TDD)

Vocational Rehabilitation Agency:

North Carolina Department of Human Resources
Division of Vocational Rehabilitation Services
State Office
P.O. Box 26053
Raleigh, NC 27611
(919) 733-3364 (Voice) or (919) 733-5924 (TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

North Carolina Department of Human Resources
Division of Services for the Blind
309 Ashe Ave.
Raleigh, NC 27606
(919) 733-9822

NORTH DAKOTA

ADA Technical Assistance Center (Region VIII)

Rocky Mountain Disability and Business Technical Assistance Center
3630 Sinton Rd., Suite 103
Colorado Springs, CO 80907-5072
(714) 444-0252 (Voice) or (714) 444-0268 (TDD)

Client Assistance Program:

North Dakota Department of Human Services
Office of Vocational Rehabilitation
Client Assistance Program
Norwest Bank Bldg., Suite 303
400 East Broadway
Bismarck, ND 58501
(701) 224-3970 (Voice)
(701) 224-3975 (TTD)

Developmental Disability Council:

North Dakota Department of Human Services
North Dakota Developmental Disability Council
400 East Broadway, Suite 304
Bismark, ND 58501
(701) 224-3950

Employment Service:

Job Service of North Dakota
P.O. Box 1537
Bismark, ND 58502
(701) 224-2836

Fair Employment Practice Agency:

North Dakota Department of Labor
State Capitol Bldg.
600 East Blvd.
Bismarck, ND 58505-0340
(701) 224-2660

JTPA Liaison:

Job Service North Dakota
P.O. Box 1537
Bismarck, ND 58501
(701) 224-2836

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
400 East Broadway, Suite 304
Bismarck, ND 58501
(701) 224-3950

Protection & Advocacy for Persons with Developmental Disabilities:

The North Dakota Protection & Advocacy Project
400 East Broadway, Suite 515
Bismarck, ND 58501
(701) 224-2972 (Voice)
(701) 224-3947 (TDD)

Protection & Advocacy for Mentally Ill Individuals:

The North Dakota Protection & Advocacy Project
400 East Broadway, Suite 515
Bismarck, ND 58501
(701) 224-2972 (Voice)
(701) 224-3947 (TDD)

Vocational Rehabilitation Agency:

Department of Human Services
Office of Vocational Rehabilitation
400 East Broadway, Suite 303
Bismarck, ND 58501-4038
(701) 224-3999 (Voice)
(701) 224-3975 (TDD)

OHIO

ADA Technical Assistance Center (Region V)

Great Lakes Disability and Business Technical Assistance Center
1640 West Roosevelt Rd. (M/C 627)
Chicago, IL 60608
(312) 413-1407 (Voice) or (312) 413-0453 (TDD)

Client Assistance Program:

Governor's Office of Advocacy for People with Disabilities
30 East Broad St., Rm. 120
Columbus, OH 43266-0400
(614) 466-9956 (Voice)
(800) 228-5405 (TDD)

Developmental Disability Council:

Ohio Developmental Disability Planning Council
Department of Mental Retardation and Developmental Disability
8 East Long St., Atlas Bldg., 6th Fl.
Columbus, OH 43215
(614) 466-5205 (Voice)
(614) 644-5530 (TDD)

Employment Service:

Ohio Bureau of Employment Services
145 South Front St.
Columbus, OH 43215
(614) 466-2100 (Voice)
(614) 644-9186 (TDD)

Fair Employment Practice Agency:

Ohio Civil Rights Commission
220 Parsons Ave.
Columbus, OH 43226-0543
(614) 466-7637

JTPA Liaison:

Job Training Partnership-Ohio Division
Bureau of Employment Services
145 South Front St., 4th Fl.
Columbus, OH 43215
(614) 466-3817 (Voice)
(614) 644-9186 (TDD)

President's Committee Partner:

Ohio Governor's Council on People with Disabilities
400 East Campus View Blvd.
Columbus, OH 43235-4604
(614) 438-1393 (Voice/TDD)
(800) 282-4536 Ext. 1391 (Voice/TDD) (Ohio only)

Protection & Advocacy for Persons with Developmental Disabilities:

Ohio Legal Rights Service
8 East Long St., 5th Fl.
Columbus, OH 43215
(614) 466-7264
(800) 282-9181 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Ohio Legal Rights Service
8 East Long St., 5th Fl.
Columbus, OH 43215
(614) 466-7264
(800) 282-9181

Vocational Rehabilitation Agency:

Ohio Rehabilitation Services Commission
400 East Campus View Blvd.
Columbus, Ohio 43235-4604
(614) 438-1210 (Voice/TDD)

OKLAHOMA

ADA Technical Assistance Center (Region VI)

Southwest Disability and Business Technical Assistance Center
2323 South Sheperd Blvd., Suite 1000
Houston, TX 77019
(713) 520-0232 (Voice) or (713) 520-5136 (TDD)

Client Assistance Program:

Oklahoma Office of Handicap Concerns
Client Assistance Program
4300 North Lincoln Blvd., Suite 200
Oklahoma City, OK 73105
(405) 521-3756 (Voice/TDD)
(800) 522-8224 (In State Only/Voice/TDD)

Developmental Disability Council:

Oklahoma Planning Council for
Developmental Disabilities
DHS-DDSD, Box 25352
Oklahoma City, OK 73125
(405) 521-6520
(405) 521-6520 (Voice)

Employment Service:

Employment Security Commission
2401 North Lincoln
215 Will Rogers Memorial Office Bldg.
Oklahoma City, OK 73105
(405) 557-7200

Fair Employment Practice Agency:

Oklahoma Human Rights Commission
2101 North Lincoln Blvd., Rm. 480
Oklahoma City, OK 73105
(405) 521-3441

JTPA Liaison:

Employment and Training Division
2401 North Lincoln
Will Rogers Memorial Office Bldg.
Oklahoma City, OK 73105
(405) 557-5329

President's Committee Partner:

Governor's Committee on Employment of the Handicapped
Office of Handicapped Concerns
4300 North Lincoln Blvd., Suite 200
Oklahoma City, OK 73105
(405) 521-3756
(800) 522-8224 (In-State Only/Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Protection & Advocacy Agency
9726 East 42nd, Osage Bldg., Rm. 133
Tulsa, OK 74146
(918) 664-5883 (Voice/TDD)
(800) 256-3817 (In-State Only/Voice)

Protection & Advocacy for Mentally Ill Individuals:

Protection & Advocacy Agency
9726 East 42nd, Osage Bldg., Rm. 133
Tulsa, OK 74146
(918) 664-5883 (Voice/TDD)
(800) 256-3817 (In-State Only/Voice)

Vocational Rehabilitation Agency:

Department of Human Services
Rehabilitation Services Division
2409 North Kelley
Oklahoma City, OK 73111
(405) 424-6006 (Voice)
(405) 424-2794
(800) 833-8973 (Voice/TDD)

OREGON

ADA Technical Assistance Center
(Region X)

Northwest Disability and Business Technical Assistance Center
605 Woodview Dr.
Lacey, WA 98503
(206) 438-3168 (Voice) or (206) 438-3167 (TDD)

Client Assistance Program:

Oregon Disabilities Commission
1257 Ferry St., S.E.
Salem, OR 97310
(503) 378-3142 (Voice/TDD)
(800) 358-3117 (In State Only/Voice/TDD)

Developmental Disability Council:

Oregon Developmental Disability Planning Council
540 24th Place, N.E.
Salem, OR 97301-4517
(503) 373-7555

Employment Service:

Employment Division
875 Union St., N.E.
Salem, OR 97311
(503) 378-3208 (Voice) or (800) 237-3710 (TDD)

Fair Employment Practice Agency:

Oregon Bureau of Labor and Industry
Civil Rights Division
P.O. Box 800
Portland, OR 97207
(503) 229-6601 (Voice) or (503) 229-6589 (TDD)

JTPA Liaison:

Job Training Partnership Act Administration
775 Summer St., N.E.
Salem, OR 97310
(503) 373-1995

President's Committee Partner:

Oregon Disabilities Commission
1257 Ferry St., S.E.
Salem, OR 97310
(503) 378-3142 (Voice/TDD)
(800) 358-3117 (In-State Only/Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Oregon Advocacy Center
625 Board of Trade Building
310 Southwest 4th Ave
Portland, OR 97204-2309
(503) 243-2081 (Voice/TDD)
(800) 452-1694 (In-State Only/Voice)

Protection & Advocacy for Mentally Ill Individuals:

Oregon Advocacy Center
625 Board of Trade Building
310 Southwest 4th Ave, Suite 625
Portland, OR 97204-2309
(503) 243-2081 (Voice/TDD)
(800) 452-1694 (In-State Only/Voice)

Vocational Rehabilitation Agency:

Department of Human Resources
Vocational Rehabilitation Division
2045 Silverton Rd., N.E.
Salem, OR 97310
(503) 378-3830 (Voice) or (503) 378-3933 (TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Commission for the Blind
535 S.E. 12th Ave.
Portland, OR 97214
(503) 731-3218 (Voice) or (503) 731-3224 (TDD)

PENNSYLVANIA

ADA Technical Assistance Center (Region III)

Mid-Atlantic Disability and Business Technical Assistance Center
2111 Wilson Blvd., Suite 400
Arlington, VA 22201
(703) 525-3268 (Voice/TDD)

Client Assistance Program:

Client Assistance Program
1650 Arch St., Suite 2310
Philadelphia, PA 19103
(215) 557-7112 (Voice/TDD)
(800) 742-8877 (In State Only/Voice)

(Western Pennsylvania)
Client Assistance Program
215 North Witfield, Suite 215
Pittsburgh, PA 15206
(412) 363-7223 (Voice/TDD)
(800) 525-7223 (In State Only/Voice)

Developmental Disability Council:

Developmental Disability Planning Council
569 Forum Bldg.
Harrisburg, PA 17120
(717) 787-6057

Employment Service:

Department of Labor & Industry
Labor & Industry Bldg., Rm. 1708
Harrisburg, PA 17120
(717) 787-1745

Fair Employment Practice Agency:

Pennsylvania Human Relations Commission
101 South Second St., Suite 300
Harrisburg, PA 17101
(717) 787-4412

JTPA Liaison:

Department of Labor & Industry
7th and Forster Sts.
1700 Labor and Industry Bldg.
Harrisburg, PA 17120
(717) 787-3756 (Voice) or (717) 783-9308 (TDD)

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
Labor and Industry Bldg.
7th and Forster Sts., Rm. 1313
Harrisburg, PA 17120
(717) 787-5232 (Voice) or (717) 783-8917 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Pennsylvania Protection & Advocacy, Inc.
116 Pine St.
Harrisburg, PA 17101
(717) 236-8110 (Voice/TDD)
(800) 692-7443 (In-State Only/Voice)

Protection & Advocacy for Mentally Ill Individuals:

Pennsylvania Protection and Advocacy, Inc.
116 Pine St.
Harrisburg, PA 17101
(717) 236-8110 (Voice/TDD)
(800) 692-7443 (In-State Only/Voice)

Vocational Rehabilitation Agency:

Department of Labor & Industry
Office of Vocational Rehabilitation
1300 Labor & Industry Bldg.
7th and Forster Sts.
Harrisburg, PA 17120
(717) 787-5244 (Voice) or (717) 783-8917 (TDD)

Vocational Rehabilitation for the Blind:

Department of Public Welfare
Bureau of Blindness & Visual Services
P.O. Box 2675, 1401 North 7th St.
Harrisburg, PA 17105
(717) 787-6176 (Voice) or (717) 787-6280 (TDD)

RHODE ISLAND

ADA Technical Assistance Center (Region I)

New England Disability and Business Technical Assistance Center
45 Newbury St.
Portland, ME 04101
(207) 874-6535 (Voice/TDD)

Client Assistance Program:

Easter Seals Society of Rhode Island
55 Bradford St., 2nd Fl.
Providence, RI 02903
(401) 438-9500

Developmental Disability Council:

Rhode Island Developmental Disability Council
600 New London Ave.
Cranston, RI 02920
(401) 464-3191

Employment Service:

Department of Employment & Training
101 Friendship St.
Providence, RI 02903-3740
(401) 277-3732

Fair Employment Practice Agency:

Rhode Island Commission for Human Rights
10 Abbott Park Pl.
Providence, RI 02903
(401) 277-2661

JTPA Liaison:

Department of Employment and Training
Job Training Partnership Office
101 Friendship St.
Providence, RI 02903
(401) 277-3930

Protection & Advocacy for Individual Rights:

Rhode Island P&A System, Inc.
55 Bradford St., 2nd Fl.
Providence, RI 02903
(401) 831-3150

President's Committee Partner:

Governor's Commission on the Handicapped
555 Valley St., Bldg. 51, 3rd Fl.
Providence, RI 02908-5686
(401) 277-3731 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Rhode Island P&A System, Inc.
55 Bradford St., 2nd Fl.
Providence, RI 02903
(401) 831-3150

Protection & Advocacy for Mentally Ill Individuals:

Rhode Island P&A System, Inc.
55 Bradford St., 2nd Fl.
Providence, RI 02903
(401) 831-3150

Vocational Rehabilitation Agency:

Department of Human Services
Vocational Rehabilitation
40 Fountain St.
Providence, RI 02903
(401) 421-7005

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Department of Human Services
Rhode Island State Services for the Blind & Visually Impaired
275 Westminster St., 5th Fl.
Providence, RI 02903

SOUTH CAROLINA

ADA Technical Assistance Center (Region IV)

Southeast Disability and Business Technical Assistance Center
1776 Peachtree Rd., Suite 310 North
Atlanta, GA 30309
(404) 888-0022 (Voice) or (404) 888-9007 (TDD)

Client Assistance Program:

South Carolina P&A System for the
Handicapped, Inc.
3710 Landmark Dr., Suite 208
Columbia, SC 29204
(803) 782-0639
(800) 922-5225

Developmental Disability Council:

South Carolina Developmental Disability Council
1205 Pendleton St., Edgar Brown Bldg.
Rm. 372
Columbia, SC 29201
(803) 734-0465

Employment Service:

South Carolina Employment Security
Commission
P.O. Box 995
Columbia, SC 29202
(803) 737-2617

Fair Employment Practice Agency:

South Carolina Human Affairs Commission
2611 Forest Dr.
P.O. Box 4490
Columbia, SC 29240
(803) 737-6570
(803) 737-6571

JTPA Liaison:

South Carolina Employment Security
Commission
P.O. Box 995
Columbia, SC 29202
(803) 737-2617

President's Committee Partner:

Governor's Committee on Employment of the
Handicapped
South Carolina Vocational Rehabilitation
Department
P.O. Box 15, 1410 Boston Ave.
West Columbia, SC 29171-0015
(803) 822-5324

Protection & Advocacy for Persons with Developmental Disabilities:

South Carolina P&A System for the
Handicapped, Inc.
3710 Landmark Dr., Suite 208
Columbia, SC 29204
(803) 782-0639
(800) 922-5225

Protection & Advocacy for Mentally Ill Individuals:

South Carolina P&A System for the
Handicapped, Inc.
3710 Landmark Dr., Suite 208
Columbia, SC 29204
(803) 782-0639 or (800) 922-5225

Vocational Rehabilitation Agency:

Vocational Rehabilitation Department
P.O. Box 15, 1410 Boston Ave.
West Columbia, SC 29171-0015
(803) 734-4300

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Commission for the Blind
1430 Confederate Ave.
Columbia, SC 29201
(803) 734-7520

SOUTH DAKOTA

ADA Technical Assistance Center
(Region VIII)

Rocky Mountain Disability and Business Technical Assistance Center
3630 Sinton Rd., Suite 103
Colorado Springs, CO 80907-5072
(719) 444-0252 (Voice) or (719) 444-0252 (TDD)

Client Assistance Program:

South Dakota Advocacy Services
221 South Central Ave.
Pierre, SD 57501
(605) 224-8294 or (800) 658-4782

Developmental Disability Council:

Office of Developmental Disability
700 Governors Dr., Kneip Bldg.
Pierre, SD 57501
(605) 773-3438

Employment Service:

South Dakota Department of Labor
700 Governors Dr.
Pierre, SD 57501-2277
(605) 773-3101

Fair Employment Practice Agency:

South Dakota Division of Human Rights
c/o Capitol Bldg.
222 East Capitol St., Suite 11
Pierre, SD 57501-5070
(605) 773-4493

JTPA Liaison:

South Dakota Department of Labor
700 Governors Dr., Kneip Bldg.
Pierre, SD 57501-2277
(605) 773-3101

Protection & Advocacy for Individual Rights:

South Dakota Advocacy Services
221 South Central Ave.
Pierre, SD 57501
(605) 224-8294 or (800) 658-4782

President's Committee Partner:

Governor's Advisory Committee on Employment of People with Disabilities
700 Governors Dr., Kneip Bldg.
Pierre, SD 57501-2275
(605) 773-5990

Protection & Advocacy for Persons with Developmental Disabilities:

South Dakota Advocacy Services
221 South Central Ave.
Pierre, SD 57501
(605) 224-8294
(800) 658-4782

Protection & Advocacy for Mentally Ill Individuals:

South Dakota Advocacy Services
221 South Central Ave.
Pierre, SD 57501
(605) 224-8294
(800) 658-4782

Vocational Rehabilitation Agency:

Division of Rehabilitation Services
700 North Governors Dr.
Pierre, SD 57501-2275
(605) 773-3195

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Division of Service to the Blind and Visually Impaired
700 North Governors Dr.
Pierre, SD 57501-2275
(605) 773-4644

TENNESSEE

ADA Technical Assistance Center
(Region IV)

Southeast Disability and Business Technical Assistance Centers
1776 Peachtree Rd., Suite 310 North
Atlanta, GA 30309
(404) 888-0022 (Voice) or (404) 888-9007 (TDD)

Client Assistance Program:

Tennessee P&A, Inc.
P.O. Box 121257
Nashville, TN 37212
(615) 298-1080
(800) 342-1660

Developmental Disability Council:

Developmental Disability Planning Council
Department of Mental Health and Mental Retardation
706 Church St., 3rd Fl.
Nashville, TN 37219
(615) 741-3807

Employment Service:

Tennessee Department of Employment Security
Volunteer Plaza, 12th Fl.
500 James Robertson Pkwy.
Nashville, TN 37245-0001
(615) 741-2131

Fair Employment Practice Agency:

Tennessee Human Rights Commission
226 Capitol Blvd., Suite 602
Nashville, Tn 37243-0745
(615) 741-5825

JTPA Liaison:

Tennessee Department of Labor
501 Union Bldg.
Nashville, TN 37219
(615) 741-2582

President's Committee Partner:

Tennessee Committee for Employment of People with Disabilities
Division of Rehabilitation Services
400 Deaderick St.,Citizens Plaza Bldg.
Rm. 1100
Nashville, TN 37219
(615) 741-2095 (Voice)
(615) 741-5644 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Tennessee P&A, Inc.
P.O. Box 121257
Nashville, TN 37212
(615) 298-1080
(800) 342-1660

Protection & Advocacy for Mentally Ill Individuals:

Tennessee P&A, Inc.
P.O. Box 121257
Nashville, TN 37212
(615) 298-1080
(800) 342-1660

Vocational Rehabilitation Agency:

Department of Human Services
Division of Vocational Rehabilitation
Citizen Plaza Bldg., 15th Fl.
400 Deaderick St.
Nashville, TN 37219
(615) 741-2521

TEXAS

ADA Technical Assistance Center (Region VI)

Southwest Disability and Business Technical Assistance Center
2323 South Sheperd Blvd., Suite 1000
Houston, TX 77019
(713) 520-0232 (Voice) or (713) 520-5136 (TDD)

Client Assistance Program:

Advocacy, Inc.
7800 Shoal Creek Blvd., Suite 171-E
Austin, TX 78757

Developmental Disability Council:

Texas Planning Council for Developmental Disability
4900 North Lamar Blvd.
Austin, TX 78751-2316
(512) 483-4080

Employment Service:

Texas Employment Commission
15th & Congress Ave., Rm. 656
Austin, TX 78778
(512) 463-2652

Fair Employment Practice Agency:

Texas Commission on Human Rights
8100 Cameron Rd., #525
Austin, TX 78711
(512) 837-8534

JTPA Liaison:

Texas Department of Commerce
Work Force Development Division
P.O. Box 12728
Capitol Station
Austin, TX 78711-2728
(512) 320-9801

President's Committee Partner:

Governor's Committee for Disabled Persons
Brown-Heatly Office Bldg.
4900 North Lamar
Austin, TX 75751-2316
(512) 483-4381

Protection & Advocacy for Persons with Developmental Disabilities:

Advocacy, Inc.
7800 Shoal Creek Blvd., Suite 171-E
Austin, TX 78757
(512) 454-4816
(800) 252-9108

Protection & Advocacy for Mentally Ill Individuals:

Advocacy, Inc.
7800 Shoal Creek Blvd., Suite 171-E
Austin, TX 78757
(512) 454-4816
(800) 252-9108

Vocational Rehabilitation:

Texas Rehabilitation Commission
4900 North Lamar Blvd., Rm. 7102
Austin, TX 78751-2316
(512) 483-4001

Vocational Rehabilitation for the Blind:

Texas Commission for the Blind
Administration Bldg.
4800 North Lamar Blvd.
Austin, TX 78711
(512) 459-2600

UTAH

ADA Technical Assistance Center (Region VIII)

Rocky Mountain Disability and Business Technical Assistance Center
3630 Sinton Rd., Suite 103
Colorado Springs, CO 80907-5072
(719) 444-0252 (Voice) or (719) 444-0268

Client Assistance Program:

Legal Center for People with Disabilities
455 East 400 South, Suite 201
Salt Lake City, UT 84111
(801) 363-1347 (Voice)
(800) 662-9080

Developmental Disability Council:

Utah Governor's Council for People with Disabilities
350 E. 5005, Suite 201
Salt Lake City, UT 84111-1958
(801) 533-4128

Employment Service:

Utah Department of Employment Security
P.O. Box 11249, 140 East 300 South
Salt Lake City, UT 84147-0249
(801) 536-7401

Fair Employment Practice Agency:

Utah Labor and Anti-Discrimination Division
160 East 300 South
Salt Lake City, UT 84114-6640
(801) 530-6801

JTPA Liaison:

Office of Job Training for Economic Development
324 South State St., Suite 500
Salt Lake City, UT 84114
(801) 538-8750

President's Committee Partner:

Governor's Committee on Employment of the Handicapped
P.O. Box 45500, 120 North 200 West
Salt Lake City, UT 84145-0500
(801) 538-4210 (Voice)
(801) 538-4192 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Legal Center for People with Disabilities
455 East 400 South, Suite 201
Salt Lake City, UT 84111
(801) 363-1347 (Voice)
(800) 662-9080

Protection & Advocacy for Mentally Ill Individuals:

Legal Center for People with Disabilities
455 East 400 South, Suite 201
Salt Lake City, UT 84111
(801) 363-1347 (Voice)
(800) 662-9080

Vocational Rehabilitation Agency:

Utah State Office of Rehabilitation
250 East 500 South
Salt Lake City, UT 84111
(801) 538-7530

VERMONT

ADA Technical Assistance Center
(Region I)

New England Disability and Business Technical Assistance Center
45 Newbury St.
Portland, ME 04101
(207) 874-6535 (Voice/TDD)

Client Assistance Program:

Client Assistance Program
P.O. Box 370
Waterbury, VT 05676
(802) 241-2641 (Voice/TDD)

Developmental Disability Council:

Vermont Developmental Disability Council
103 South Main St.
Waterbury, VT 05671-0206
(802) 241-2612 (Voice/TDD)

Employment Service:

Department of Employment & Training
P.O. Box 488
Montpelier, VT 05601-0488
(802) 229-0311 (Voice)
(802) 828-4203 (TDD)

Fair Employment Practice Agency:

Vermont Attorney General's Office
Public Protection Division
109 State St.
Montpelier, VT 05602
(802) 828-3171

JTPA Liaison:

Office of Employment and Training Programs
P.O. Box 488
Montpelier, VT 05601-0488
(802) 229-0311, ext. 151 (Voice)
(802) 828-4203 (TDD)

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
Developmental Disability Council
103 South Main St.
Waterbury, VT 05671--206
(802) 241-2612 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Vermont Developmental Disability Law Project
12 North St.
Burlington, VT 05402
(802) 863-2881 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Vermont Advocacy Network, Inc.
65 South Main St.
Waterbury, VT 05676
(802) 244-7868 (Voice/TDD)

Vocational Rehabilitation Agency:

Agency of Human Services
Vocational Rehabilitation Division
Osgood Bldg. Waterbury Complex
103 South Main St.
Waterbury, VT 05671-2303
(802) 241-2189 (Voice/TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Agency of Human Services
Vermont Division for the Blind & Visually Impaired
103 South Main St., Osgood Bldg.,
Waterbury Complex
Waterbury, VT 05671-2304
(802) 241-2211 (Voice) or (802) 241-2210 (TDD)

VIRGINIA

ADA Technical Assistance Center
(Region III)

Mid-Atlantic Disability and Business Technical Assistance Center
2111 Wilson Blvd., Suite 400
Arlington, VA 22201
(703) 525-3268 (Voice/TDD)

Client Assistance Program:

Department for the Rights of Virginians with Disabilities
James Monroe Bldg.
101 North 14th St., 17th Fl.
Richmond, VA 23219
(804) 225-2042 (Voice/TDD)

Developmental Disability Council:

Board for the Rights of Virginians with Disabilities
James Monroe Bldg.
101 North 14th St., 17th Fl.
Richmond, VA 23219
(804) 225-2042

Employment Service:

Virginia Employment Commission
703 East Main St.
Richmond, VA 23219
(804) 786-3001 (Voice)
(804) 371-8050 (TDD)

JTPA Liaison:

Governor's Employment and Training Department
The Commonwealth Bldg.
4615 West Broad St., 3rd Fl.
Richmond, VA 23230
(804) 367-9800 (Voice)
(804) 367-6283 (TDD)

President's Committee Partner:

Board for the Rights of Virginians with Disabilities
James Monroe Bldg.
101 North 14th St., 17th Fl.
Richmond, VA 23219
(804) 225-2042 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Department for the Rights of Virginians with Disabilities
James Monroe Bldg.
101 North 14th St., 17th Fl.
Richmond, VA 23219
(804) 225-2042 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Department for Rights of the Disabled
James Monroe Bldg.
101 North 14th St., 17th Fl.
Richmond, VA 23219
(804) 225-2042 (Voice/TDD)

Vocational Rehabilitation Agency:

Commonwealth of Virginia
Virginia Department for the Visually Handicapped
397 Azalea Ave.
Richmond, VA 23227-3697
(804) 371-3140 (TDD)

WASHINGTON

ADA Technical Assistance Center (Region X)

Northwest Disability and Business Technical Assistance Center
605 Woodview Dr.
Lacey, WA 98503
(206) 438-3168 (Voice) or (206) 438-3167 (TDD)

Client Assistance Program:

Client Assistance Program
P.O. Box 22510
Seattle, WA 98122-9510
(206) 721-4050 (Voice/TDD)

Developmental Disability Council:

Washington State Developmental Disabilities Planning Council
906 Columbia St., S.W.
P.O. Box 48314
Olympia, WA 98504-8314
(206) 753-3908

Employment Service:

Employment Security Department
212 Maple Park
Olympia, WA 98504-9046
(206) 438-3168 (Voice)
(206) 438-3167 (TDD)

Fair Employment Practice Agency:

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
(206) 753-6770 (Voice/TDD)

JTPA Liaison:

Employment Security Department
Employment and Training Division
605 Woodview Dr., S.E.
P.O. Box 9046, KG-6000
Olympia, WA 98507-9046
(206) 438-4611 (Voice/TDD)

President's Committee Partner:

Governor's Committee on Disability Issues and Employment
Employment Security Department
P.O. Box 9046
Olympia, WA 98507-9046
(206) 438-3168 (Voice)
(206) 438-3167 (TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Washington Protection & Advocacy Sys.
1401 East Jefferson, Suite 506
Seattle, WA 98122
(206) 324-1521 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Washington Protection & Advocacy Sys.
1401 East Jefferson, Suite 506
Seattle, WA 98122
(206) 324-1521 (Voice/TDD)

Vocational Rehabilitation Agency:

Department of Social & Health Services
Division of Vocational Rehabilitation
P.O. Box 45340
Olympia, WA 9854-5340
(206) 438-8000 (Voice/TDD)

Vocational Rehabilitation for Persons who are Blind and Visually Impaired:

Department of Services for the Blind
521 East Legion Way, MS: FD-11
Olympia, WA 98504-0933
(206) 586-1224 (Voice)
(206) 586-6437 (TDD)

WEST VIRGINIA

ADA Technical Assistance Center (Region III)

Mid-Atlantic Disability and Business Technical Assistance Center
2111 Wilson Blvd., Suite 400
Arlington, VA 22201
(703) 525-3268 (Voice/TDD)

Client Assistance Program:

West Virginia Advocates, Inc.
1524 Kanawha Blvd., East
Charleston, WV 25311
(304) 346-0847
(800) 950-5250

Developmental Disability Council:

West Virginia Developmental Disability Planning Council
1601 Kanawha Blvd., West, Suite 200
Charleston, WV 25312
(304) 348-0416 (Voice)
(304) 348-2376 (TDD)

Employment Service:

West Virginia Bureau of Employment Programs
112 California Ave.
Charleston, WV 25305-0112
(304) 348-9180

Fair Employment Practice Agency:

West Virginia Human Rights Commission
1321 Plaza East, Rm. 106
Charleston, WV 25301
(304) 348-2616

JTPA Liaison:

Bureau of Employment Programs
Job Training Programs Division
112 California Ave.
Charleston, WV 25305-0112
(304) 348-5920

President's Committee Partner:

Division of Rehabilitation Services
State Capitol Bldg.
1900 West Washington St., East
Charleston, WV 25305
(304) 766-4970

Protection & Advocacy for Persons with Developmental Disabilities:

West Virginia Advocates, Inc.
1524 Kanawha Blvd., East
Charleston, WV 25311
(304) 346-0847

Protection & Advocacy for Mentally Ill Individuals:

West Virginia Advocates, Inc.
1524 Kanawha Blvd., East
Charleston, WV 25311
(304) 346-0847 (Voice/TDD)
(800) 950-5250

Vocational Rehabilitation Agency:

State Board of Rehabilitation
Division of Rehabilitation Services
State Capitol Complex
Charleston, WV 25305
(304) 766-4601 (Voice)
(304) 766-4970 (TDD)

WISCONSIN

ADA Technical Assistance Center
(Region V)

Great Lakes Disability and Business Technical Assistance Center
1640 West Roosevelt Rd. (M/C 627)
Chicago, IL 60608
(312) 413-1407 (Voice) or (312) 413-0453 (TDD)

Client Assistance Program:

Governor's Committee on Disabilities
131 West Wilson St., Suite 1003
Madison, WI 53707
(608) 266-5378 (Voice)
(608) 267-2082 (TDD)

Developmental Disability Council:

Wisconsin Council on Developmental Disability
P.O. Box 7851, 722 Williamson St., 2nd. Fl.
Madison, WI 53707-7851
(608) 266-7826 (Voice)
(608) 266-6660 (TDD)

Employment Service:

Department of Industry, Labor and Human Relations
P.O. Box 7946
Madison, WI 53702
(608) 266-7552

Fair Employment Practice Agency:

Department of Industry Labor & Human Relations
Wisconsin Equal Rights Division
P.O. Box 53708
201 East Washington Ave., Rm. 403
Madison, WI 53702
(608) 267-9678 (Voice)
(608) 267-4592 (FAX)

JTPA Liaison:

Department of Industry, Labor & Human Relations
Jobs, Employment, and Training Service Division
201 East Washington Ave.
Madison, WI 53707
(608) 266-6886

President's Committee Partner:

Governor's Committee for People with Disabilities
P.O. Box 7852
Madison, WI 53707
(608) 266-5378 (Voice)
(608) 267-2082 (TDD)

Protection & Advocacy for Individual Rights:

Wisconsin Coalition for Advocacy
16 North Carroll St., Suite 400
Madison, WI 53703
(608) 267-0214 (Voice/TDD)

Protection & Advocacy for Persons with Developmental Disabilities:

Wisconsin Coalition for Advocacy
16 North Carroll St., Suite 400
Madison, WI 53703
(608) 267-0214 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Wisconsin Coalition for Advocacy
16 North Carroll St., Suite 400
Madison, WI 53703
(608) 267-0214 (Voice/TDD)

Vocational Rehabilitation Agency:

Department of Health & Social Services
Division of Vocational Rehabilitation
P.O. Box 7852, 1 West Wilson, 8th Fl.
Madison, WI 53707
(608) 266-2168 (Voice)
(608) 266-9599 (TDD)

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WYOMING

ADA Technical Assistance Center (Region VIII)

Rocky Mountain Disability and Business Technical Assistance Center
3630 Sinton Rd., Suite 103
Colorado Springs, CO 80907-5072
(719) 444-0252 (Voice) or (719) 444-0268 (TDD)

Client Assistance Program:

Wyoming Protection & Advocacy System
2424 Pioneer Ave., Suite 101
Cheyenne, WY 82001
(307) 638-7668 (Voice/TDD)

Developmental Disability Council:

Planning Council on Developmental Disability
122 West 25th St., Hersch Bldg., 2nd Fl., East
Cheyenne, WY 82002
(307) 777-7230 (Voice)
(307) 777-5939 (FAX)

Employment Service:

Employment Security Commission
P.O. Box 2760
Casper, WY 82602
(307) 235-3650 (Voice)
(307) 235-3293 (FAX)

Fair Employment Practice Agency:

Wyoming Fair Employment Commission
Hershler Bldg.
122 West 25th St., 2nd Fl. East
Cheyenne, Wy 82002
(307) 777-7261 (Voice)
(307) 777-5805 (FAX)

President's Committee Partner:

Governor's Committee on Employment of the Handicapped
Herschler Bldg., Rm. 1102
Cheyenne, WY 82002
(307) 777-7191 (Voice/TDD)

JTPA Liaison:

Department of Employment
Division of Employment Services
P.O. Box 2760, 100 West Midwest
Casper, WY 82602
(307) 235-3611 (Voice)
(307) 235-3293 (FAX)

Protection & Advocacy for Persons with Developmental Disabilities:

Wyoming Protection & Advocacy System
2424 Pioneer Ave., Suite 101
Cheyenne, WY 82001
(307) 638-7668 (Voice/TDD)

Protection & Advocacy for Mentally Ill Individuals:

Wyoming Protection & Advocacy System/Client Assistance Program
2424 Pioneer Ave., Suite 101
Cheyenne, WY 82001
(307) 638-7668 (Voice/TDD)

Vocational Rehabilitation Agency:

Department of Employment
Division of Vocational Rehabilitation
1100 Herschler Bldg.
Cheyenne, WY 82002
(307) 777-7385

COMMONWEALTHS, POSSESSIONS, TERRITORIES

AMERICAN SAMOA

Client Assistance Program:

Client Assistance and Protection & Advocacy Program
P.O. Box 3937
Pago Pago, AS 96799
(684) 633-2441

Developmental Disability Council:

American Samoa Developmental Disability Council
P.O. Box 3823
Pago Pago, AS 96799
(684) 633-2820

JTPA Liaison:

Government of American Samoa
Department of Human Resources
Pago Pago, AS 96799
(684) 633-4485

Protection & Advocacy for Persons with Developmental Disabilities:

Client Assistance and Protection & Advocacy Program
P.O. Box 3937
Pago Pago, AS 96799
(684) 633-2441

Protection & Advocacy for Mentally Ill Individuals:

Client Assistance and Protection & Advocacy Program
P.O. Box 3937
Pago Pago, AS 96799
(684) 633-2441

Vocational Rehabilitation Agency:

American Samoa Government
Department of Human Resources
Division of Vocational Rehabilitation
Pago Pago, AS 96799
(684) 633-2336

GUAM

Client Assistance Program:

The Advocacy Office and Client Assistance Program
MARC P&A Office
P.O. Box 8830
Tauming, GU 96911
(671) 646-9026

Developmental Disability Council:

Guam Developmental Disability Council
122 Harmon Plaza, Rm. 8201
Harmon Industrial Park
Harmon, GU 96911
(809) 646-8691

JTPA Liaison:

Agency for Human Resources Development
P.O. Box CP
Agana, GU 96910
(672) 646-9341

Protection & Advocacy for Persons with Developmental Disabilities:

The Advocacy Office and Client Assistance Program
MARC P&A Office
P.O. Box 8830
Tauming, GU 96911
(671) 646-9026

Protection & Advocacy for Mentally Ill Individuals:

The Advocacy Office and Client Assistance Program
MARC P&A Office
P.O. Box 8830
Tauming, GU 96911
(671) 646-9026

Vocational Rehabilitation Agency:

Government of Guam
Department of Vocational Rehabilitation
122 Harmon Plaza, Rm. B201
Harmon Industrial Park
Harman, GU 96911
(617) 646-9468

COMMONWEALTH OF PUERTO RICO

ADA Technical Assistance Center (Region II)

Northeast Disability and Business Technical Assistance Center
354 South Broad St.
Trenton, NJ 08608
(609) 392-4004 (Voice) or (609) 392-7044 (TDD)

Client Assistance Program:

Planning Research and Special Projects
Obmbudsman for the Disabled
P.O. Box 5163
Hato Rey, PR 00919-5163
(809) 766-2388 or (809) 766-2333

Developmental Disability Council:

Developmental Disability Council
P.O. Box 9543
Santurce, PR 00908
(809) 722-0590

Employment Service:

Bureau of Employment Security
505 Munoz Rivera Ave.
Hato Rey, PR 00918
(809) 754-5394

Fair Employment Practice Agency:

Commonwealth of Puerto Rico
Labor & Human Resources
Anti-Discrimination Unit
505 Munoz Rivera Ave., 14th Fl.
Hato Rey, PR 00918
(809) 754-5806

President's Committee Partner:

Governor's Committee on Employment of the Handicapped
c/o VARO (27)
P.O. Box 354
Hato Rey, PR 00919
(809) 781-1318

JTPA Liaison:

Right to Employment Administration
G.P.O. Box 4452
San Juan, PR 00936
(672) 646-9341

Protection & Advocacy for Persons with Developmental Disabilities:

Planning Research and Special Projects
Obmbudsman for the Disabled
P.O. Box 5163
Hato Rey, PR 00919-5163
(809) 766-2388 or (809) 766-2333

Protection & Advocacy for Mentally Ill Individuals:

Planning Research and Special Projects
Obmbudsman for the Disabled
P.O. Box 5163
Hato Rey, PR 00919-5163
(809) 766-2388 or (809) 766-2333

Vocational Rehabilitation Agency:

Department of Social Services
P.O. Box 1118
Hato Rey, PR 00919
(809) 725-1792

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Client Assistance Program:

Karidat
P.O. Box 745
Saipan, CM 96950
(670) 234-6981

Developmental Disability Council:

Commonwealth of the Northern Mariana Islands
Developmental Disability Council
P.O. Box 2565
Saipan, CM 96950
(670) 322-3014
(670) 322-1398

JTPA Liaison:

Commonwealth of the Northern Mariana Islands
JTPA Programs
Office of the Executive Director
Civic Center
Saipan, CM 96950

Protection & Advocacy for Persons with Developmental Disabilities:

Karidat
P.O. Box 745
Saipan, CM 96950
(670) 234-6981

Protection & Advocacy for Mentally Ill Individuals:

Karidat
P.O. Box 745
Saipan, CM 96950
(670) 234-6981

Vocational Rehabilitation Agency:

Commonwealth of the Northern Mariana Islands
Vocational Rehabilitation Division
P.O. Box 1521-CK
Saipan, CM
(670) 234-6538

TRUST TERRITORY OF THE PACIFIC ISLANDS

Developmental Disability Council:

Trust Territory Health Council
MacDonald Memorial Hospital
Koror, Palua
Western Carolina Islands 96940

Vocational Rehabilitation Agency:

Bureau of Education
P.O. Box 189
Koror, Palua
Western Carolina Islands 96940
(680) 488-1467

JTPA Liaison:

Minister of Social Services
P.O. Box 1138
Majuro, Republic of the Marshall Islands 96960

Private Industry Council
P.O. Box 100
Koror, Republic of Palua 96940

Government of the Federated States of
Micronesia
Office of Administrative Services
P.O. Box 490
Pohnpei, FM 96941

VIRGIN ISLANDS

ADA Technical Assistance Center
(Region II)

Northeast Disability and Business Technical Assistance Center
354 South Broad St.
Trenton, NJ 08608
(609) 392-4004 (Voice) or (609) 392-7044 (TDD)

Client Assistance Program:

The Committee on Advocacy for the Developmentally Disabled
31A New St., Apt. 2
Frederiksted
St. Croix VI 00840
(809) 772-1200
(809) 776-4303

Developmental Disability Council:

Developmental Disability Council
P.O. Box 2671
Kings Hill
St. Croix, VI 00850
(809) 772-2133

Employment Service:

Virgin Islands Department of Labor
2131 Hospital St.
Christenstead
St. Coix, VI 00821
(809) 773-1994

Fair Employment Practice Agency:

Virgin Islands Department of Labor
P.O. Box 148
Charlotte Amalie
St. Thomas, VI 00801
(809) 775-3498

President's Committee Partner:

Governor's Committee on Employment of People with Disabilities
Administrator Disabilities & Rehabilitation Services
Department of Human Services
Barbel Plaza South
St. Thomas, VI 00802
(809) 774-0930 ext. 157

JTPA Liaison:

Virgin Islands Department of Labor
Employment and Training
7 & 8 Queen St., C'sted
St. Croix, VI 00820
(809) 773-1994

Protection & Advocacy for Persons with Developmental Disabilities:

The Committee on Advocacy for the Developmentally Disabled
31A New St., Apt. 2
Frederiksted
St. Croix VI 00840
(809) 772-1200
(809) 776-4303

Protection & Advocacy for Mentally Ill Individuals:

The Committee on Advocacy for the Developmentally Disabled
31A New St., Apt. 2
Frederiksted
St. Croix VI 00840
(809) 772-1200
(809) 776-4303

Vocational Rehabilitation Agency:

Department of Human Services
Division of Disabilities and Rehabilitation Services
Barbel Plaza South
St. Thomas, VI 00802
(809) 774-0930

STATE LISTINGS OF CENTERS FOR INDEPENDENT LIVING

Listed below are many Centers for Independent Living around the country. This list, however, is not exhaustive. To locate additional centers, consult a local telephone directory or contact the following two organizations: The National Council on Independent Living, 4th and Broadway, Troy Atrium, Troy, NY, 12180, (518) 274-1979 (Voice) or (518) 274-0701 (TDD); (2) Independent Living Research Utilization, 2323 S. Shepherd, Suite 1000, Houston, TX, 77019, (713) 520-5136 (Voice) or (713) 520-5136 (TDD).

ALABAMA

Independent Living Center
3421 Fifth Ave., South, Birmingham, AL 35222
(205) 251-2223 (Voice) or (205) 251-0605 (TDD)

ALASKA

Alaska Division of Vocational Rehabilitation -- Independent Living Service
3600 Bragaw St., Anchorage, AK 99508
(907) 561-4466 (Voice) or (907) 563-1992 (TDD)

Access Alaska, Inc.
3710 Woodland Dr., Suite 900, Anchorage, AK 99517
(907) 248-4777 (Voice) or (907) 248-0638 (TDD)

Hope Cottages, Inc.
540 West Int'l Airport Rd., #100, Anchorage, AK 99518-1110
(907) 561-5335 (Voice) or (907) 564-7445 (TDD)

Access Alaska--Outreach Office
3550 Airport Way #3, Fairbanks AK 99709
(907) 479-7940 (Voice/TDD)

The Community Mental Health Center
P.O. Box 2474, Homer, AK 99603
(907) 235-7911 (Voice/TDD)

Southeast Alaska Independent Living
9085 Glacier Hwy., #203, Juneau, AK 99801
(907) 789-9665 (Voice) or (907) 789-9597 (TDD)

ARIZONA

Arizona Bridge to Independent Living
1229 East Washington St., Phoenix, AZ 85034
(602) 256-2245 (Voice/TDD)

Community Outreach Program
268 West Adams St., Tucson, AZ 85705

(602) 792-1906 (Voice/TDD)

Disability Resource Center/Tucson
1023 North Tyndall Ave., Tucson, AZ 85719
(602) 624-6452 (Voice/TDD)

Services to Advance Independent Living
1700 South First Ave., Suite 100, Yuma, AZ 85364
(602) 783-3308 (Voice/TDD)

ARKANSAS

Mainstream Living
1501 South Main, Suite 111, Little Rock, AR 72202
(501) 371-0012 (Voice) or (501) 371-0012 (TDD)

Our Way, Inc.
10434 West 36th St., Little Rock, AR 72204
(501) 225-5030 (Voice) or (501) 225-5190 (TDD)

Twin River Community Living Facility
201 Dodd Creek Rd., Mountain Home, AR 72653
(501) 425-4515

CALIFORNIA

Alternative Training & Learning Center
10070 South Gilbert St., Anaheim, CA 92804
(714) 991-3662

Dayle McIntosh Center
150 West Cerritos, Bldg. 4, Anaheim, CA 92805
(714) 772-8285 (Voice) or (714) 772-8366 (TDD)

Independent Living Center of Southern California
14 South Chester, Bakersfield, CA 93304
(805) 325-1063 (Voice) or (805) 325-3092 (TDD)

Center for Independence of the Disabled
875 O'Neill Ave., Belmont, CA 94002
(415) 595-0783 (Voice) or (415) 595-0787 (TDD)

Center for Independent Living
2539 Telegraph Ave., Berkeley, CA 94704
(510) 841-4776 (Voice) or (510) 848-3101 (TDD)

Independent Living Services of Northern California
555 Rio Lindo Ave., Suite B, Chico, CA 95926
(916) 893-8527 (Voice/TDD)

Center for Independent Living
623 West Foothill Blvd., Glendora, CA 91740
(818) 335-7880 (Voice) or (818) 335-8616 (TDD)

Southeast Center for Independent Living (SECIL)
12458 Rizes Ave., Downey, CA 90242
(213) 862-6531

Humboldt Access Project, Inc.
2107 3rd St., Eureka, CA 95501
(707) 445-8404 (Voice/TDD)

California Association of the Physically Handicapped
1617 East Saginaw Way #109, Fresno, CA 93704
(209) 222-2274 (Voice) or (209) 222-2396 (TDD)

Foundation of Resources for Equal Employment for the Disabled
154 Hughes Rd. #1, Grass Valley, CA 95945
(916) 272-1732 (Voice) or (916) 272-1733 (TDD)

Community Resources for Independent Living
439 A St., Hayward, CA 94541
(415) 881-5743 (Voice/TDD)

Independent Living Center of Southern California, Inc.
356-B East Ave. K4, Lancaster, CA 93535
(805) 945-6602 (Voice) or (805) 945-6604 (TDD)

Disabled Resources Center, Inc.
2750 East Spring St., Suite 100, Long Beach, CA 90806
(213) 427-1000 (Voice) (213) 427-1366 (TDD)

Social and Independent Living Skills Program
11301 Mailcode 691-B117A, Wilshire Blvd., Los Angeles, CA 90073
(213) 824-3277

Community Rehabilitation Services
4716 Brooklyn Ave., Bldg B, Rm 15, Los Angeles, CA 90022
(213) 266-0453 (Voice) (213) 266-0545 (TDD)

Westside Center for Independent Living
12901 Venice Blvd., Los Angeles, CA 90066
(213) 390-3611 (Voice) (213) 398-9204 (TDD)

Modesto Independent Living Center
1207 13th St., Suite 2, Modesto, CA 95354
(209) 521-7260

Independent Living Resource
2637 Pleasant Hill Rd., Pleasant Hill, CA 94523
(415) 935-4571 (Voice) (415) 935-5126 (TDD)

Riverside Center for Independent Living
6974 Brockton Ave., Suite 101, Riverside, CA 92506
(714) 682-0230 (Voice/TDD)

Resources for Independent Living
1211 H St. #B, Sacramento, CA 95814
(916) 446-3074 (Voice/TDD)

Community Resources for the Disabled
234 Capitol St., Suite A, Salinas, CA 93901
(408) 757-2968 (Voice) or (408) 757-2968 (TDD)

Rolling Start, Inc.
536 West 11th. San Bernadino, CA 92410
(714) 884-2129 (Voice) or (714) 884-0937 (TDD)

Community Service Center for the Disabled
1295 University Ave. #10, San Diego, CA 92103-3333
(619) 293-3500 (Voice) or (619) 293-7757 (TDD)

Independent Living Resource Center - San Francisco
70 10th St., San Francisco, CA 94103
(415) 863-0581 (Voice) or (415) 863-1367 (TDD)

Marin Center for Independent Living
710 4th St., San Rafael, CA 94901
(415) 459-6245 (Voice/TDD)

Independent Living Resource Center
423 West Victoria, Santa Barbara, CA 93101
(805) 963-1359 (Voice/TDD)

Adult Independence Development Center
1190 Benton St., Santa Clara, CA 95050
(408) 985-1243 (Voice) or (408) 985-9243 (TDD)

Community Resources for the Disabled
340 Soquel Ave., Suite 115, Santa Cruz, CA 95062
(408) 429-9969 (Voice/TDD)

Community Resources for Independence
2999 Cleveland Ave., Suite D, Santa Rosa, CA 95403-2715
(707) 528-2745 (Voice) or (707) 528-2151 (TDD)

UCP Adult Activity Center
347 East Poplar, Stockton, CA 95202
(209) 464-4817

Independent Living Center of Southern California
14354 Haynes St., Van Nuys, CA 91401
(818) 988-9525 (Voice) or (818) 988-3533 (TDD)

COLORADO

San Luis Valley Comprehensive Community Mental Health Center
1015 4th St., Alamosa, CO 81101
(719) 589-3673

Center for People with Disabilities
948 North St., Suite 7, Boulder, CO 80304
(303) 442-8662 (Voice/TDD)

Atlantis Community, Inc.

1120 North Circle Drive, #16, Colorado Springs, CO 80909-3101
(719) 520-9511 (Voice) or (719) 520-9514 (TDD)

Colorado Springs Independence Center
405 East Colorado Ave., Suite 101, Colorado Springs, CO 80903
(719) 471-8181 (Voice/TDD)

Atlantis Community, Inc.
12 Broadway, Denver, CO 80203-3195
(303) 733-9324

Mental Health Corporation of Denver
4353 East Colfax Ave., Denver, CO 80220
(303) 320-5701 (Voice/TDD)

Denver Center for Independent Living
455 Sherman St., Suite 140, Denver, CO 80203
(303) 698-1900 (Voice) or (303) 698-2859 (TDD)

The Center on Deafness
1900 Grant St., Suite 1010, Denver, CO 80203
(303) 839-8022 (Voice/TDD)

Southwest Center for Independence
3101 North Main Ave., Durango, CO 81301
(303) 259-1672

Disabled Resource Services
424 Pine, Suite 101, Ft. Collins, CO 80524
(303) 482-2700 (Voice) or (303) 482-2723 (TDD)

Center for Independence
835 Colorado Ave., Grand Junction, CO 81501
(303) 241-0315 (Voice/TDD)

Choices for Independent Living
1020 9th St., Suite 206, Greeley, CO 80631
(303) 356-3326

Greeley Center for Independence
1734 8th Ave., Greeley, CO 80631
(303) 352-8484

Northern Colorado Center on Deafness
800 Eighth Ave., Suite 323, Greeley, CO 80631
(303) 352-8682 (Voice/TDD)

The Sangre De Christo Independent Living Center
3238 Knuckolls Ave., Pueblo, CO 81005
(303) 564-1133

CONNECTICUT

Independence Unlimited, Inc.
900 Asylum Ave., #490, Hartford, CT 06105

(203) 549-1330 (Voice) or (203) 549-3915 (TDD)

Center for Independence & Access
105 Court St., Rm. 302, New Haven, CT 06511
(203) 562-3924 (Voice/TDD)

Chapel Haven, Inc.
1040 Whalley Ave., New Haven, CT 06515
(203) 397-1714

Center for Independent Living of Southwestern Connecticut
959 Main St., Stratford, CT 06497
(203) 378-6977

New Horizons, Inc.
37 Bliss Memorial Rd., Unionville, CT 06085
(203) 675-4711

Independence Northwest
581 Wolcott St., Waterbury, CT 06705
(203) 573-1080 (Voice/TDD)

DELAWARE

Easter Seal Center for Independent Living,
61 Corporate Circle, New Castle Corp. Commons, New Castle, DE 19720
(302) 324-4444 (Voice)

Independent Living, Inc.
818 South Broom St., Wilmington, DE 19805
(302) 429-6693

FLORIDA

Pinellas Center for the Visually Impaired
1610 North Myrtle Ave., Clearwater, FL 34615
(813) 461-4006

Briarwood Center for Independent Living
1023 S.E. 4th Ave., Gainesville, FL 32601
(904) 378-7474 (Voice) or (904) 376-1237 (TDD)

Cathedral Center for Independent Living/Memorial Regional Rehab.
3599 University Blvd., Jacksonville, FL 32216
(904) 354-3378

Opportunity Development Inc., Center for Independent Living
3967 University Blvd., South, Jacksonville, FL 32216
(904) 731-3020 (Voice/TDD)

Center for Survival & Independent Living
1335 N.W. 14th St., Miami, FL 33125
(305) 547-5444 (Voice) or (305) 547-4917 (TDD)

Center for Independent Living of Northwest Florida, Inc.
513 East Fairfield Dr., Pensacola, FL 32503
(904) 435-9343 (Voice) or (904) 435-9328 (TDD)

Alternative Rehabilitation Approaches
P.O. Box 5010, Pompano Beach, FL 33074-5010
(305) 786-1744

Space Coast Assn. for the Physically Handicapped Inc.
1825A Cogswell, Rockledge, FL 32955-3210
(407) 633-6182 (Voice/TDD) or (407) 633-6282 (TDD Relay)

Center for Independent Living of North Florida
1380 Ocala Rd., Bldg. 4, Tallahassee, FL 32304
(904) 575-9621 (Voice/TDD)

Independence for the Blind
1278 Taul Russel Rd., Tallahasse, FL 32301
(904) 942-3658 (Voice) or (904) 942-4518 (TDD)

Self-Reliance, Inc., Center for Independent Living
12310 North Nebraska Ave., #F, Tampa, FL 33612
(813) 975-6560 (Voice/TDD)

Tampa Lighthouse for the Blind
1106 West Platt St., Tampa, FL 33606
(813) 251-2407

Coalition for Independent Living Options
2326 South Congress Ave., 1-F, Winter Park, FL 33406-7652
(407) 966-4288

Center for Independent Living in Central Fla., Inc.
720 North Denning Dr., Winter Park, FL 32789
(407) 623-1070 (Voice) or (407) 623-1185 (TDD)

GEORGIA

Independent Living Program (ILP; SW District)
P.O. Box 1606, Albany, GA 31702
(912) 430-4945 (Voice) or (912) 430-4926 (TDD)

Atlanta Center for Independent Living
1201 Glenwood Ave., Southeast, Atlanta, GA 30316-1939
(404) 656-2952 (Voice) or (404) 656-5911 (TDD)

Division of Rehabilitation Services
878 Peachtree St., Northeast, Rm. 702, Atlanta, GA 30309-3997
(404) 894-7553 (Voice) or (404) 894-7555 (TDD)

Western District Independent Living Services
Division of Rehabilitation Services
233 12th St., Suite 700, Columbus, GA 31901
(404) 649-7400 (Voice/TDD)

Northern District Independent Living Services
Division of Rehabilitation Services
P.O. Box 658, Gainesville, GA 30503
(404) 535-5468 (Voice/TDD)

Eastern District Independent Living Services
Division of Rehabilitation Services
1727 Wrightsboro Rd., P.O. Box 12007, Augusta, GA 30914-2007
(404) 737-1808 (Voice/TDD)

Division of Rehabilitation Independent Living Program
707 Pine St., P.O. Box 6117, Macon, GA 31208
(912) 751-6270 (Voice/TDD)

Southeastern District Independent Living Program
P.O. Box 13427, Savannah, GA 31416-0427
(912) 356-2124 (Voice) or (912) 356-2226 (TDD)

Independent Living Program
Roosevelt Warm Springs Institute for Rehabilitation
P.O. Box 1000, Warm Springs, GA 31830
(404) 655-2000

HAWAII

Big Island Center for Independent Living
1190 Waianuenue Ave., Hilo, HI 96720
(808) 935-3777 (Voice/TDD)

Hawaii Center for Independent Living
677 Ala Moana Blvd., #118, Honolulu, HI 96813
(808) 537-1941 (Voice) or (808) 521-4400 (TDD)

Kona Center for Independent Living
75-159 Lunapule Rd., Unit #5, Kailua-Kona, HI 96740
(808) 329-6611 (Voice/TDD)

Kauai Center for Independent Living
P.O. Box 3529, Lihue, HI 96766
(808) 245-4034 (Voice/TDD)

Maui Center for Independent Living
1464-D Lower Main St., Suite 105, Wailuku, HI 96793
(808) 242-4966 (Voice) or (808) 242-4968 (TDD)

IDAHO

Dawn Enterprises, Inc.
P.O. Box 388, Blackfoot, ID 83221
(208) 785-5890

Idaho Commission for the Blind
341 West Washington St., Boise, ID 83702-6000

(208) 334-3220

Idaho Division of Vocational Rehabilitation--Independent Living Service
650 West State, Boise, ID 83720-3650
(208) 334-3390 (Voice/TDD)

Living Independence Network Corp.
708 West Franklin St., Boise, ID 83702
(208) 336-3335 (Voice/TDD)

North Idaho Center for Independent Living
124 East 3rd St., Moscow, ID 83843
(208) 883-0523 (Voice/TDD)

Housing Southwestern Cooperative Housing Authority
1108 West Finch Dr., Nampa, ID 83651
(208) 467-7461 (Voice/TDD)

Access for Idaho
P.O. Box 4185, Pocatello, ID 83205
(208) 232-2747 (Voice/TDD)

Living Independence Network Corp.
1002 Shoshone St., East Twin Falls, ID 83301,
(208) 733-1712 (Voice/TDD)

ILLINOIS

Impact Center for Independent Living
2735 East Broadway, Alton, IL 62002-1859
(618) 462-1411 (Voice/TDD)

Living Independently Now, Center for Independent Living, Inc.
10 East Washington, Belleville, IL 62220
(618) 235-9988 (Voice) or (618) 235-0451 (TDD)

Living Independence for Everyone Center for Independent Living
1328 East Empire, Bloomington, IL 61701
(309) 663-5433 (Voice/TDD)

Center for Comprehensive Services, Inc.
P.O. Box 2825, Carbondale, IL 62902
(618) 529-3060

Southern Illinois Center for Independent Living
780 East Grand Ave., Carbondale, IL 62901
(618) 457-3318 (Voice/TDD)

Access Living of Metro Chicago
310 South Peoria, Suite 201, Chicago, IL 60607
(312) 226-5900 (Voice) or (312) 226-1687 (TDD)

Fox River Valley Center for Independent Living
730-B West Chicago, Elgin, IL 60123
(708) 695-5818 (Voice/TDD)

Will-Grundy Center for Independent Living
2415A West Jefferson St., Joliet, IL 60435
(815) 729-0162 (Voice) or (815) 729-2085 (TDD)

OPTIONS Center for Independent Living
53 Meadowview Ctr., Kankakee, IL 60901
(815) 936-0100 (Voice) or (815) 936-0132 (TDD)

Opportunities for Access
3300 Broadway, Suite 5, Mt. Vernon, IL 62864
(618) 244-9212 (Voice) or (618) 224-9575 (TDD)

Illinois Independent Living Center
1141 Iroquois Ave., #205, Naperville, IL 60563-9376
(708) 357-0077

Progress Center for Independent Living
320 Lake St., Oak Park, IL 60302
(708) 524-0600 (Voice) or (708) 524-0690 (TDD)

Central Illinois Center for Independent Living
4806 North Sheridan Rd., Peoria, IL 61614
(309) 682-3500 (Voice) or (309) 682-3567 (TDD)

Illinois/Iowa Independent Living Center
PO Box 6156, Rock Island, IL 61204-6156
(319) 324-1460 (Voice/TDD)

RAMP
1040 North 2nd St., Lower Level, Rockford, IL, 61107
(815) 968-7467 (Voice/TDD)

Illinois Department of Rehabilitation Services
623 East Adams St., P.O. Box 19429, Springfield, IL 62794-9429
(217) 782-2093

Springfield Center for Independent Living
426 West Jefferson, Springfield, IL 62702
(217) 523-2587 (Voice/TDD)

Northwestern Illinois Center for Independent Living
205 2nd Ave., Sterling, IL 61081
(815) 625-7860 (Voice) or (815) 625-7863 (TDD)

P.A.C.E., Inc.
1717 Philo Rd., Suite 27, Urbana, IL 61801
(217) 344-5433 (Voice) or (217) 344-5024 (TDD)

INDIANA

Damar Homes, Inc.
P.O. Box 41, Camby, IN 46113
(317) 856-5201

Allen County League for the Blind

800 Fairfield, Suite 210, Fort Wayne, IN 46807
219) 745-5491

Indianapolis Resource Center for Independent Living
2511 East 46th St., Suite V4, Indianapolis, IN 46205-2452
(317) 541-0611 (Voice/TDD)

IOWA

Central Iowa Center/Independence
67 Meadow Ln., Cumming, IA 50061
(515) 285-7145

Center for Independent Living
Vocational Rehabilitation Services
State Commission for the Blind
524 4th St., Des Moines, IA 50309
(515) 281-7999 (Voice) or (515) 281-1355 (TDD)

Independent Living, Inc.
26 East Market, Iowa City, IA 52245
(319) 338-3870

Hope Haven, Inc.
1800 19th St., Rock Valley, IA 51247
(712) 476-2737

KANSAS

Cowley County Developmental Services
P.O. Box 133, Arkansas City, KS 67005
(316) 442-3575

LINK, Inc.
P.O. Box 1016, Hays, KS 67601
(913) 625-6942 (Voice/TDD)

Independence, Inc.
1910 Haskell, Lawrence, KS 66046
(913) 841-0333 (Voice) or (913) 841-1046 (TDD)

Resource Center for Independent Living
122 South Sixth, Osage City, KS 66523
(913) 528-3105 (Voice) or (913) 528-3106 (TDD)

Independent Connection
1710 W. Schilling Rd., Salina, KS 67401
(913) 827-9383 (Voice/TDD)

Independent Living Program (667/117A)
2200 Gage Blvd. VA Medical Center, Topeka, KS 66622
(913) 272-3111

Kansas Rehabilitation Center for the Blind
2516 West 6th St., Topeka, KS 66606
(913) 296-3311

Topeka Independent Living Resource Center
3258 South Topeka, Topeka, KS 66611-2240
(913) 267-7100 (Voice/TDD)

Three Rivers Independent Living Resource Center
810 4th St., Wamego, KS 66547
(913) 456-9915 (Voice/TDD)

Independent Living Center of Southcentral Kansas, Inc.
1900 North Amidon, Suite 101, Wichita, KS 67203
(316) 838-3500 (Voice/TDD)

KENTUCKY

Contact, Inc.
101 St. Clair, Frankfort, KY 40601
(502) 875-5777

Center for Accessible Living
981 South 3rd St., Suite 102, Louisville, KY 40203
(502) 589-6620 (Voice) (502) 589-3980 (TDD)

Department for the Blind
1900 Brownsboro Rd., Louisville, KY 40206
(502) 893-0211

Center for Independent Living (Murray Office)
104 North 5th St., Suite 203, Murray, KY 42071
(502) 759-9227

LOUISIANA

Southwest Louisiana Independence Center
3104 Enterprise Blvd., Lake Charles, LA 70601-8722
(318) 477-7194 (Voice) or (318) 477-7196 (TDD)

Volunteers of America of Greater New Orleans -- Independent Living
3900 North Causeway Blvd, Suite 750, Metairie, LA 70002
(504) 836-5225

Independent Living Center, Inc.
320 North Carrollton Ave., Suite 2C, New Orleans, LA 70119
(504) 484-6400 (Voice/TDD)

New Orleans Resources for Independent Living
1001 Howard Ave., Suite 300, New Orleans, LA 70113
(504) 522-1955 (Voice/TDD)

New Horizons, Inc.

030 Wallace Ave., Shreveport, LA 71108
318) 635-3652 (Voice) or (318) 635-3488 (TDD)

New Horizons Monroe
1616 Arkansas Rd., Apt. 161, West Monroe, LA 71291
(318) 396-8929

New Horizons Alexandria
P.O. Box 169, Alexandria, LA 71309
(318) 442-7631

MAINE

Alpha One Center for Independent Living
71 State St., Augusta, ME 04330
(207) 623-1115 (Voice/TDD)

Maine Independent Living Services
74 Winthrop St., Augusta, ME 04330
(207) 622-5434 (Voice) (207) 622-5434 (TDD)

Motivational Services, Inc.
114 State St., Augusta, ME 04330
(207) 626-3465

The Together Place
Union St., Bangor, ME 04401
207) 941-2907

Alpha One
41 Acme Rd., Brewer, ME 04412
(207) 989-6016 (Voice/TDD)

Shalom House, Inc.
Administrative Offices, 1 Pleasant St., Portland, ME 04101
(207) 874-1080 (Voice) or (207) 874-1087 (TDD)

Alpha One
373 Main St. (Rear), Presque Isle, ME 04769
(207) 764-6466 (Voice/TDD)

Alpha One
85 E St., Suite 1, S. Portland, ME 04106
(207) 767-2189 (Voice/TDD)

MARYLAND

Maryland Center for Independent Living, Inc.
6305-A Sherwood Rd., Baltimore, MD 21239-1540
(301) 377-5900 (Voice) or (301) 377-4591 (TDD)

Adult Living Internship--Center for Unique Learners
5705 Arundel Ave., Rockville, MD 20852

(301) 231-0115

MASSACHUSETTS

D.E.A.F., Inc.
215 Brighton Ave., Allston, MA 02134
(617) 254-4041 (Voice/TDD)

Stavros Center for Independent Living
691 South East St., Amherst, MA 01002
(413) 256-0473 (Voice/TDD)

Boston Center for Independent Living
95 Berkeley St., Suite 206, Boston, MA 02116
(617) 338-6665 (Voice) or (617) 338-6662 (TDD)

Center for Independent Living at Mass. Commission for the Blind
88 Kingston St., Boston, MA 02111-2227
(617) 727-5550 (Voice) or (800) 392-6556 (Voice/TDD)

Independence Associates, Inc.
55 City Hall Plaza, Brockton, MA 02401
(508) 559-9091 (Voice/TDD)

Student Independent Living Experience
Massachusetts Hospital School
5 Randolph St., Canton, MA 02021
(617) 828-2440

Carninal Medeiros Towers
P.O. Box 989, Fall River, MA 02722
(508) 675-3553

Southeast Center for Independent Living
170 Pleasant St., 3rd Floor East, Fall River, MA 02721
(508) 679-9210 (Voice/TDD)

Greater Framingham Association Independent Living Program
869 Concord St., Framingham, MA 01701
(508) 875-7853 (Voice/TDD)

CORD
P.O. Box 964, Hyannis, MA 02601
(508) 775-8300 (Voice/TDD)

ARC--Independent Living Program
101 Grove St., Hyannis, MA 02601
(508) 771-6595 (Voice/TDD)

The Northeast Independent Living Program, Inc.
130 Parker St., Lower Level, Lawrence, MA 01843
(508) 687-4288 (Voice/TDD)

Renaissance Club, Inc.
21 Branch St., Lowell, MA 01851

(508) 454-7944

Independent Living Center of the North Shore
583 Chestnut St., Suite 9, Lynn, MA 01904
(617) 593-7500 (Voice/TDD)

AD LIB, Inc.
442 North St., Pittsfield, MA 01201
(413) 442-7047 (Voice) or (413) 442-7158 (TDD)

Vision Foundation, Inc.
818 Mt. Auburn St., Watertown, MA 02172
(617) 926-4232

Center for Living and Working, Inc.
484 Main St., #345, Worcester, MA 01608
(508) 798-0350 (Voice/TDD)

MICHIGAN

Ann Arbor Center for Independent Living
2568 Packard, Georgetown Mall, Ann Arbor, MI 48104
(313) 971-0277 (Voice) or (313) 971-0310 (TDD)

Family Resource Center--ARC
51 West Hancock, Detroit, MI 48201
(313) 831-0202

Great Lakes Rehab Corp., Center for Independent Living
4 East Alexandrine, Suite 104, Detroit, MI 48201
(313) 832-3371 (Voice) or (313) 832-3372 (TDD)

Commission for the Blind
1200 6th Ave., 15th Floor, S. Tower, Detroit, MI 48226
(313) 256-1524

Upper Penninsula Community for Independent Living Inc.
1919 1/2 14th Ave., North, Escanaba, MI 49829
(906) 789-0155 (Voice/TDD)

Participants Advocate Group--Center for Independent Living
200 South Court St., P.O. Box 3087, Gaylord, MI 49735
(517) 732-1078

Grand Rapids Center for Independent Living
3375 South Division, Grand Rapids, MI 49508
(616) 243-0846 (Voice/TDD)

Lakeshore Center for Independent Living
246 South River, Office #65, Holland, MI 49423
(616) 396-5326 (Voice) or (616) 396-3774 (TDD)

Association for Retarded Citizens -- Ottawa County
246 South River, Office # 65, Holland, MI 49423
(616) 396-1201 (Voice) or (616) 396-3774 (TDD)

Kalamazoo Center for Independent Living
4026 South Westnedge, Kalamazoo, MI 49008
(616) 345-1516 (Voice) or (616) 345-8022 (TDD)

Life Skills Services
1608 Lake St., Kalamazoo, MI 49001
(616) 344-0202

Center of Handicapper Affairs
918 Southland St., Lansing, MI 48910
(517) 393-0305 (Voice) or (517) 393-0326 (TDD)

Cristo Rey Hispanic Handicapped Program
1717 North High St., Lansing, MI 48906
(517) 372-4700 (Voice/TDD)

Michigan Commission of the Blind
201 North Washington, Second Floor, Lansing, MI 48933
(517) 373-9415 (Voice/TDD)

Midland Center for Independent Living
1015 Ashman, Midland, MI 48640-4910
(517) 835-4041 (Voice/TDD)

ARC/Muskegon--Independent Living Program
1145 East Wesley Ave., Muskegon, MI 49442
(616) 777-2006

Blue Water Center for Independent Living
804 Huron Ave., Port Huron, MI 48060
(313) 987-9337 (Voice/TDD)

Independent Living Rehabilitation Program
411-G East Genesee, Saginaw, MI 48607
(517) 771-1765

Grand Traverse Area Community Living Center
935 Barlow, Traverse City, MI 49684
(616) 941-7150

Oakland/Macomb Center for Independent Living
6044 Rochester Rd., Troy, MI 48098
(313) 828-3500 (Voice) or (313) 828-3310 (TDD)

MINNESOTA

Center for Independent Living of Northeastern Minnesota -- Cloquet
1219 14th St., #B, Cloquet, MN 55720
(218) 879-0873 (Voice/TDD)

Center for Independent Living of Northeastern Minnesota -- Duluth
205 West Second St., #442, Duluth, MN 55802
(218) 722-8911 (Voice/TDD)

OPTIONS, Interstate Resource Center for Independent Living

318 3rd St., N.W., East Grand Forks, MN 56721
(218) 773-6100 (Voice/TDD)

Center for Independent Living of Northeastern Minnesota, Inc.
2310 First Ave., Hibbing, MN 55746
(218) 262-6675 (Voice/TDD)

Vinland National Center
P.O. Box 308, Loretto, MN 55357
(612) 479-3555 (Voice/TDD)

Southern Minnesota Independent Living Enterprises & Services (SMILES)
709 South Front St., Mankato, MN 56001
(507) 345-7139 (Voice/TDD)

Southwestern Center for Independent Living
109 S. Fifth St., Marshall, MN 56258
(507) 532-2221 (Voice) or (507) 532-2222 (TDD)

Courage Center
3915 Golden Valley Rd., Golden Valley, MN 55422
(612) 588-0811 (Voice) or (612) 520-0410 (TDD)

Independence Crossroads, Inc.
1073 Tenth Ave., SE, Minneapolis, MN 55414
(612) 378-0027 (Voice/TDD)

Freedom Resource Center for Independent Living
725 Center Ave., Moorhead, MN 56560
(218) 236-0459

Southeastern Minnesota Center for Independent Living, Inc.
1306 7th St., N.W., Rochester, MN 55901
(507) 285-1815 (Voice/TDD)

Central Minnesota Center for Independent Living
600 25th Ave., South, Suite 110, St. Cloud, MN 56301
(612) 255-1882 (Voice/TDD)

Accessible Space, Inc.
2550 University Ave., West #301N, St. Paul, MN 55114
(612) 645-7271

Minnesota Housing Finance Agency - Homeownership Opportunity Program
400 Sibley #300, St. Paul, MN 55101
(612) 296-7613 (Voice) or (612) 297-2361 (TDD)

Metropolitan Center for Independent Living, Inc.
1619 Dayton Ave., Suite 303, St. Paul, MN 55104
(612) 646-8342 (Voice/TDD)

Minnesota State Services for the Blind and the Visually Handicapped
1745 University Ave. W., St. Paul, MN 55104
(612) 642-0500 (Voice/TDD)

MISSISSIPPI

Alpha Home/Royal Maid Association for the Blind
P.O. Drawer 30, Hazlehurst, MS 39083
(601) 894-1771

Jackson Independent Living Center
300 Capers Ave., Jackson, MS 39203
(601) 961-4140 (Voice/TDD)

Gulf Coast Independent Living Center
P.O. Box 377, Long Beach, MS 39560-0377
(601) 864-3786 (Voice/TDD)

Starkville Center for Independent Living
Mississippi State University, P.O. Drawer 6321, MS 39762
(601) 325-8511

MISSOURI

Services for Independent Living
1301 Vandiver Dr., Suite Q, Columbia, MO 65202
(314) 874-1646 (Voice) or (314) 874-4121 (TDD)

Rehabilitation Institute
3011 Baltimore, Kansas City, MO 64108
(816) 756-2250 (Voice/TDD)

The WHOLE PERSON, Inc.
6301 Rockhill Rd., Suite 305E, Kansas City, MO 64131
(816) 361-0304 (Voice) or (816) 361-7749 (TDD)

Southwest Center for Independent Living
1856 East Cinderella, Springfield, MO 65804
(417) 886-1188 (Voice/TDD)

Independence Center
4380 West Pine Blvd., St. Louis, MO 63108
(314) 533-6511

Life Skills Foundation
609 North & South, St. Louis, MO 63130
(314) 863-3913 (Voice/TDD)

Paraquad
4475 Castleman, St. Louis, MO 63110
(314) 776-4475 (Voice) or (314) 776-4415 (TDD)

Places for People, Inc.
4120 Lindell Blvd., St. Louis, MO 63108
(314) 535-5600

Disabled Citizens Alliance for Independence
Box 675, Viburnum, MO 65566

314) 244-3315 (Voice/TDD)

MONTANA

Yellowstone Valley Center for Independent Living
1925 Grand Ave. Suite 104, Billings, MT 59102
(406) 259-5181 (Voice/TDD)

North Central Independent Living Services, Inc.
104 Second St., South, Suite 101, Great Falls, MT 59405
(406) 452-9834 (Voice/TDD)

Montana Independent Living Project
38 South Last Chance Gulch, Helena, MT 59601
(406) 442-5755 (Voice) (406) 442-5756 (TDD)

Summit Independent Living Center
1280 South Third St., West, Missoula, MT 59801
(406) 728-1630 (Voice/TDD)

NEBRASKA

Goodwill Center for Independent Living
1804 South Eddy, Grand Island, NE 68801
(308) 384-7896 (Voice/TDD)

League of Human Dignity, Mobility Options, Inc.
1701 P St., Lincoln, NE 68508-1741
(402) 471-7871 (Voice/TDD)

League of Human Dignity Independent Living Center
604 West Benjamin, Norfolk, NE 68701
(402) 371-4475 (Voice/TDD)

League of Human Dignity Independent Living Center
5017 Leavenworth, Omaha, NE 68106
(402) 558-3411 (Voice or TDD)

NEVADA

Nevada Association for the Handicapped
6200 West Oakey, Las Vegas, NV 89102
(702) 870-7050 (Voice/TDD)

Northern Nevada Center for Independent Living
624 East 4th St., Reno, NV 89512-3401
(702) 328-8000 (Voice) (702) 328-8006 (TDD)

NEW HAMPSHIRE

Granite State Independent Living Foundation
172 Pembroke Rd., Concord, NH 03301
(603) 228-9680 (Voice/TDD)

NEW JERSEY

Success Through Independent Living Experience
1501 Park Ave., Asbury Park, NJ 07712
(908) 774-4737

D.I.A.L. for Independent Living
66 Mt. Prospect Ave., Bldg. C, Clifton, NJ 07013-1918
(201) 470-8090

East Brunswick Adult Program
380 Cranbury Rd., East Brunswick, NJ 08816
(908) 613-6983

Alliance for Disabled in Action
2050 Oak Tree Rd., Edison, NJ 08820
(908) 321-1600 (Voice/TDD)

Total Living Center, Inc.
231 Philadelphia Ave., Egg Harbor City, NJ 08215
(609) 965-3734 (Voice/TDD)

HIP-Heightened Independence and Progress
44 Armory St., Englewood, NJ 07631
(201) 568-0906 (Voice) or (201) 568-6191 (TDD)

Monmouth/Ocean Independent Living Center
279 Broadway, Long Branch, NJ 07740
(908) 571-4884 (Voice) (908) 571-4878 (TDD)

D.I.A.L., Inc. (Newark/Union)
32 Park Place, Newark, NJ 07102
(201) 824-4009 (Voice) or (201) 824-3614 (TDD)

New Jersey Commission for the Blind and Visually Impaired
153 Halsey St., P.O. Box 47017, Newark, NJ 17101
(201) 648-3333 (Voice) or (201) 648-4559 (TDD)

DIAL, Inc. Northwest Branch
#7 Boardwalk, Sparta, NJ 07861
(201) 729-7155 (Voice) or (201) 729-3396 (TDD)

Project Freedom, Inc.
P.O. Box 8898, Trenton, NJ 08650
(609) 584-8857 (Voice/TDD)

Center for Independent Living of South Jersey, Inc.
800 North Delsea Dr., Westville, NJ 08093
(609) 853-6490 (Voice) or (609) 853-7602 (TDD)

NEW MEXICO

C.A.S.A, Inc.-Creative Alternative for Special Adults
P.O. Box 36916, Albuquerque, NM 87176
(505) 298-7609

Independent Living Resource Center
2520 Virginia NE, Suite 200, Albuquerque, NM 87110
(505) 271-1565 (Voice/TDD)

Disability Resource Center
205 West Boutz, Bldg. 4, Suite 4, Las Cruces, NM 88005
(505) 526-5016 (Voice/TDD)

New Vistas--Independent Living Center
2025 South Pacheco St., Ark Plaza, Suite 105-A, Santa Fe, NM 87501
(505) 471-1001 (Voice)
(800) 659-8331 (Relay Number/TDD) and (800) 659-1779 (Relay Number/Voice)

NEW YORK

Capital District Center for Independence
845 Central Ave., Albany, NY 12206-1504
(518) 459-6422 (Voice/TDD)

Independent Living Center of Amsterdam, Inc.
12 Chestnut St., Amsterdam, NY 12010
(518) 842-3561 (Voice) or (518) 842-3593 (TDD)

Options for Independence
55 Market St., Auburn, NY 13021
(315) 255-3447 (Voice/TDD)

Batavia Center for Independent Living
61 Swan St., Batavia, NY 14020
(716) 343-4524 (Voice/TDD)

Southern Tier Independence Center
107 Chenango St., Binghamton, NY 13901
(607) 724-2111 (Voice/TDD)

Bronx Independent Living Services
3525 Decatur Ave., Bronx, NY 10467
(212) 515-2800 (Voice) or (212) 515-2803 (TDD)

Brooklyn Center for Independence of the Disabled
408 Jay St., Rm. 401, Brooklyn, NY 11201
(718) 625-7500 (Voice) or (718) 625-7712 (TDD)

Western N.Y. Independent Living Center
3108 Main St., Buffalo, NY 14214
(716) 836-0822 (Voice/TDD)

SILO (Satellite Office) - Self Initiated Living Options

3180 Express Dr., South, Central Islip, NY 11722
(516) 348-0207 (Voice) or (516) 348-7655 (TDD)

Access to Independence and Mobility
271 East First St., Corning, NY 14830-2924
(607) 962-8225 (Voice/TDD)

Long Island Center for Independent Living/SUNY
Administration Bldg., #115, Farmingdale, NY 11735
(516) 420-2000

Glens Falls Independent Living Center
25 Sherman Ave., P.O. Box 453, Glens Falls, NY 12801
(518) 792-3537 (Voice) or (518) 792-0505 (TDD)

Suffolk County Office of Handicapped Services
395 Oser Ave., Hauppauge, NY 11788-3631
(516) 853-3712 (Voice) (516) 582-6616 (TDD)

Finger Lakes Independence Center
609 West Clinton St., Suite 112, Ithaca, NY 14850
(607) 272-2433 (Voice) or (800) 662-1220 (TDD-NY Relay)

Queens Independent Living Center
140-40 Queens Blvd., Jamaica, NY 11437
(718) 658-2526 (Voice) or (718) 658-4720 (TDD)

Southwestern Independent Living Center
878 North Main St., Rear Entrance, Jamestown, NY 14701
(716) 661-3010 (Voice) or (716) 661-3012 (TDD)

Resource Center for Accessible Living
602 Albany Ave., Kingston, NY 12401
(914) 331-0541 (Voice) or (914) 331-8680 (TDD)

Long Island Center for Independent Living
3601 Hempstead Turnpike, Rm. 312, Levittown, NY 11756
(516) 796-0144 (Voice) or (516) 796-0135 (TDD)

Massena Independent Living Center
1 North Main St., Massena, NY 13662
(315) 764-9442 (Voice/TDD)

Self Initiated Living Options, Inc.
3241 Route 112, Bldg. 7, Medford, NY 11763-1411
(516) 698-1310 (Voice) or (516) 698-1392 (TDD)

Office Executive Services for the Physically Challenged
1550 Franklin Ave., Rm. 112, Mineola, NY 11501
(516) 535-3147 (Voice) or (516) 535-3108 (TDD)

Barrier Free Living
270 East Second St., New York, NY 10009
(212) 677-6668 (Voice/TDD)

Center for Independence of the Disabled in New York

841 Broadway, Rm. 205, New York, NY 10003
(212) 674-2300 (Voice/TDD)

Visions
817 Broadway, 11th Fl., New York, NY 10003
(212) 477-3800

Eastern Orange County Center for Independent Living
200 Lake St., Newburgh, NY 12550
(914) 565-1162

Niagara Frontier Center for Independent Living, Inc.
1522 Main St., Niagara Falls, NY 14305
(716) 284-2452 (Voice/TDD)

Directions in Independent Living
180 North Union, Olean, NY 14760
(716) 373-4602 (Voice/TDD)

Catskill Center for Independence
P.O. Box 1247, Oneonta, NY 13820
(607) 432-8000 (Voice) or (607) 432-8000 (TDD)

North Country Center for Independence
159 Margaret St., Suite 202, Plattsburgh, NY 12901
(518) 563-9058 (Voice/TDD)

Taconic Resources for Independence
80 Washington St., Suite 201, Poughkeepsie, NY 12601-2305
(914) 452-3913 (Voice) or (914) 485-8110 (TDD)

Rochester Center for Independent Living
758 South Ave., Rochester, NY 14620-2237
(716) 442-6470 (Voice/TDD)

Independent Living in the Capital District, Inc.
2660 Albany St., Schenectady, NY 12304
(518) 393-2412

Western Orange County Center for Independent Living, Inc.
RD1, Box 144C, Route 6, Slate Hill, NY 10973
(914) 355-2030 (Voice) or (914) 355-2060 (TDD)

Rockland Independent Living Center
235 North Main St., Suite 13, Spring Valley, NY 10977
(914) 426-0707 (Voice) or (914) 426-1180 (TDD)

Staten Island Center for Independent Living, Inc.
150 Walker St., Staten Island, NY 10302
(718) 720-9016 (Voice) or (718) 720-9870 (TDD)

ARISE, Inc., Center for Independent Living
501 East Fayette St., Syracuse, NY 13202
(315) 472-3171 (Voice/TDD)

Troy Resource Center for Independent Living

Troy Atrium, Broadway & 4th St., Troy, NY 12180
(518) 274-0701 (Voice/TDD)

Resource Center for Independent Living
409 Columbia St., Utica, NY 13502
(315) 797-4642 (Voice) or (315) 797-5837 (TDD)

Northern Regional Center for Independent Living
Woolworth Bldg., Suite 400, Watertown, NY 13601
(315) 785-8703 (Voice/TDD)

Long Island Association for Children
265 Post Ave., Westbury, NY 11590
(516) 334-4965

Westchester Independent Living Center
297 Knollwood Rd., White Plains, NY, 10607
(914) 682-3926 (Voice) or (914) 682-0926 (TDD)

Westchester Disabled on the Move
984 North Broadway, Suite 509, Yonkers, NY 10701
(914) 968-4717 (Voice/TDD)

NORTH CAROLINA

Programs for Accessible Living
1012 South Kings Dr., Doctor's Bldg., G-2, Charlotte, NC 28283
(704) 375-3977 (Voice/TDD)

Live Independently Networking Ctr.
P.O. Box 389, Newton, NC 28658
(704) 465-8484 (Voice) (704) 465-8369 (TDD)

NORTH DAKOTA

Fraser Limited
711 South University Dr., Fargo, ND 58103
(701) 232-3301

Center for Independent Living
1007 N.W. 18th, Mandan, ND 58554
(701) 663-0376

OHIO

Tri-County Independent Living Center, Inc.
680 East Market St., Suite 205, Akron, OH 44304
(216) 762-0007 (Voice) or (216) 762-7429 (TDD)

Access Center for Independent Living, Inc.
7946 Clyo Rd., Suite A, Centerville, OH 45459
(513) 439-0071 (Voice) or (513) 439-0072 (TDD)

Independent Living Options, Inc.
2433 Harrison Ave., Cincinnati, OH 45211-7927
(513) 661-2600 (Voice) or (513) 661-2750 (TDD)

HELP Six Chimneys, Inc.
3907 Prospect Ave., Cleveland, OH 44115
(216) 361-3907

Services for Independent Living
25100 Euclid Ave., Suite 105, Cleveland, OH 44117
(216) 731-1529 (Voice/TDD)

Mid-Ohio Board Independent Living
1393 East Broad St., Columbus, OH 43205
(614) 252-1661 (Voice) or (614) 252-2668 (TDD)

United Cerebral Palsy of Columbus & Franklin County
440 Industrial Mile Rd., Columbus, OH 43228
(614) 279-0109

Rehabilitation Services of North Central Ohio
270 Sterkel Blvd., Mansfield, OH 44907
(419) 756-1133 (Voice/TDD)

Ability Center of Greater Toledo
5605 Monroe, Sylvania, OH 43560
(419) 885-5733 (Voice) or (419) 882-2387 (TDD)

OKLAHOMA

Caddo County Independent Living Center
132 East Broadway St., #208, Anadarko, OK 73005-2837
(405) 247-7331 (Voice/TDD)

Green Country IL Resource Center
310 South Osage, P.O. Box 2295, Bartlesville, OK 74005
(918) 336-0700 (Voice/TDD)

Northwest Oklahoma Independent Living Center
705 South Oakwood, Suite B-1, Enid, OK 73703
(405) 237-8508 (Voice/TDD)

Oklahoma Independent Living Resource Center
321 S. Third, Suite 2, McAlester, OK 74501
(918) 426-6220 (Voice/TDD)

Progressive Independence, Inc.
121 North Porter, Norman, OK 73071
(405) 321-3203 (Voice/TDD)

Ability Resources
1724 East 8th St., Tulsa, OK 74104
(918) 592-1235 (Voice/TDD)

OREGON

Disabilities Advisory Coalition
P.O. Box 10864, Eugene, OR 97440
(503) 689-8675

Laurel Hill Center--Independent Living Program
2145 Centennial Plaza, Eugene, OR 97401
(503) 485-6340

HASL, Independent Abilities Center
290 Northeast "C" St., Grants Pass, OR 97526
(503) 479-4275

Columbia Gorge Rehab. Center
2940 Thomsen Rd., Hood River, OR 97031
(503) 386-3520

Columbia Gorge Rehab. Center Reside
1306 Taylor St., Hood River, OR 97031
(503) 386-2544

SPOKES Unlimited
P.O. Box 7896, Klamath Falls, OR 97602
(503) 883-7547 (Voice/TDD)

Living Opportunities Inc.
P.O. Box 1072, Medford, OR 97501
(503) 772-1503

Access Oregon
2600 Southeast Belmont, Suite A, Portland, OR 97214
(503) 230-1225 (Voice/TDD)

Commission for the Blind
535 Southeast 12th Ave., Portland, OR 97214
(503) 238-8375 (Voice/TDD)

Volunteer Braille Services, Inc.
4001 Northeast Halsey, Portland, OR, 97232
(503) 284-3339 (Voice/TDD)

Vocational Rehabilitation Division--Independent Living Services
2045 Silverton Rd., NE, Salem, OR 97310
(503) 378-3830 (Voice/TDD)

PENNSYLVANIA

Lehigh Valley Center for Independent Living
1501 Lehigh St., Allentown, PA 18103-3813
(215) 791-7870 (Voice) or (215) 791-7875 (TDD)

Center for Independent Living of Southcentral PA
1501 11th Ave., Mezzanine Level, Altoona, PA 16601

(814) 949-1905 (Voice/TDD)

Center for Independent Living of Central Pennsylvania
2331 Market St., Camp Hill, PA 17012
(717) 731-1900 (Voice) or (717) 731-1077 (TDD)

Erie Independence House/Center for Independent Living
2222 Filmore Ave., Erie, PA 16506-2943
(814) 838-7222 (Voice) or (814) 838-8115 (TDD)

Anthracite Region Center for Independent Living
40 North Church St., City Hall, Hazleton, PA 18201
(717) 455-9800

Susquehanna Independent Living Center
1851 Charter Ln., P.O. Box 10396, Lancaster, PA 17605-0396
(717) 397-2168 (Voice) or (717) 397-4193 (TDD)

North Central Center for Independent Living
1722 West Market St., Lewisburg, PA 17837
(717) 524-9695 (Voice/TDD)

Center for Independent Living--Associated Services for the Blind
919 Walnut St., Philadelphia, PA 19107
(215) 627-0600 (Voice/TDD)

Resources for Living Independently
One Winding Way, Suite 108, Philadelphia, PA 19131
(215) 581-0666 (Voice) or (215) 581-0664 (TDD)

Three Rivers Center for Independent Living
7110 Penn Ave., Pittsburgh, PA 15208
(412) 371-7700 (Voice/TDD)

Allied Services for the Handicapped
475 Morgan Highway, Scranton, PA 18508
(717) 348-2221

Northeastern Pennsylvania Center for Independent Living
431 Wyoming Ave., Lower Level, Scranton, PA 18503
(717) 344-7211 (Voice/TDD)

Berks County Center for Independent Living
899 Penn Ave., Sinking Spring, PA 19608
(215) 670-0734 (Voice) or (215) 670-0753 (TDD)

Tri-County Partnership for Independent Living
120 East Hallam Ave., Rm. 120, Washington, PA 15301-3404
(412) 223-5115 (Voice/TDD)

Brian's House, Inc.
1300 South Concord Rd., West Chester, PA, 19382
(215) 399-1175

RHODE ISLAND

Blackstone Valley Center Independent Living Program
115 Manton St., Pawtucket, RI 02861
(401) 727-0150

People Activity Reaching Independent-ARI Independent Living Center
500 Prospect St., Pawtucket, RI 02860
(401) 725-1966 (Voice/TDD)

IN-SIGHT Independent Living
43 Jefferson Blvd., Warwick, RI 02888
(401) 941-3322

Ocean State Center for Independent Living
59 West Shore Rd., Warwick, RI 02889-1140
(401) 738-1013 (Voice) (401) 738-1015 (TDD)

SOUTH CAROLINA

South Carolina Vocational Rehabilitation Independent Living Program
1410 C-Boston Ave., P.O. Box 15, West Columbia, SC 29169-0015
(803) 822-5314

SOUTH DAKOTA

Opportunities for Independent Living-(O.I.L.)
P.O. Box 1571, Aberdeen, SD 57402-1571
(605) 622-2298

Adjustment Training Center
607 Northforth St., Southeast, Aberdeen, SD 57401
(605) 229-0263

Black Hills Workshop & Training Center
Box 2104; 3603 Range Rd., Rapid City, SD 57702
(605) 343-4550

Western Resources for Disabled Independence
36 East Chicago, Box 9, Rapid City, SD 57701
(605) 394-1930 (Voice/TDD)

Communication Service for the Deaf
3520 Gateway Ln., Sioux Falls, SD 57106
(605) 339-6718 (Voice/TDD)

Prairie Freedom Center for Disabled Independents
301 South Garfield Ave., Suite 8, Sioux Falls, SD 57104
(605) 339-6558 (Voice/TDD)

TENNESSEE

Memphis Center for Independent Living
163 North Angelus, Memphis, TN 38104

(901) 726-6404 (Voice/TDD)

TEXAS

Panhandle Action Center for Independent Living Skills
3608 South Washington, Amarillo, TX 79110
(806) 352-1500 (Voice) or (806) 352-8630 (TDD)

Educational Support Services Office
University of Texas at Arlington, Box 19028, Arlington, TX 76019

Provence Center for Independent Living
600 New York Ave., Arlington, TX 76010
(817) 275-3369

Austin Resource Center for Independent Living
5555 North Lamar, Suite J-125, Austin, TX 78751
(512) 467-0744 (Voice/TDD)

Independent Living Program for Blind & Blind-Multi-Handicapped
4800 North Lamar, Suite 220, Austin, TX 78756
(512) 459-2500 and (800) 459-2606

Texas Rehabilitation Commission
4900 North Lamar Blvd., Austin, TX 78751-2316
(512) 483-4000

Independent Living Rehabilitation Program--Texas Commission for the Blind
410 South Padre Island Dr., Suite 103, Corpus Christi, TX 78405
(512) 289-1128

Tri-County Awareness Association--Independent Living Center
P.O. Box 875, Crockett, TX 75835
(409) 544-2811 (Voice) or (409) 544-7315 (TDD)

Disabled Ability Resource Environment
8929 Viscount, Suite 101, El Paso, TX 79925
(915) 591-0800 (Voice/TDD)

Reach Independent Living Center
617 Seventh Ave., Suite 304, Ft. Worth, TX 76104
(817) 870-9082 (Voice) or (817) 870-9086 (TDD)

Center for the Retarded, Inc.--Independent Living Program
P.O. Box 13403, Houston, TX 77219
(713) 528-6371

Deville Independent Living Program--Lighthouse of Houston
4039 Bellefontaine, Houston, TX 77025
(713) 666-4641

Houston Center for Independent Living
7000 Regency Square Blvd., #160, Houston, TX 77036
(713) 974-4621 (Voice/TDD)

Texas Commission for the Blind
427 West 20th, Suite 407, Houston, TX 77008
(713) 880-0721

Independent Life Styles, Inc.
P.O. Box 571874, Houston, TX 77257
(303) 790-7002

LIFE Independent Living Center
4514 Englewood Ave., Lubbock, TX 79414-1227
(806) 795-5433 (Voice/TDD)

Valley Association for Independent Living
105-C Expressway 83, Fharr, TX 78577
(512) 781-7733 (Voice/TDD)

San Antonio Independent Living Services
5101 San Pedro, San Antonio, TX 78212-1400
(512) 734-9971 (Voice/TDD)

OBS/ILR--Texas Commission for the Blind
1101 E S.E. Loop 323 #640, Tyler, TX 75701-9638
(903) 581-9945 (Voice/TDD)

UTAH

OPTIONS for Independence
1095 North Main, Logan, UT 84321
(801) 753-5353 (Voice/TDD)

Active Re-Entry
451 South Carbon Ave., P.O. Box 931, Price, UT 84501
(801) 637-4950 (Voice/TDD)

Utah Independent Living Center, Inc
764 South 200 West, Salt Lake City, UT 84101-2700
(801) 359-2457 (Voice/TDD)

Southern Utah Independent Living Center
764 South, 200 West, Salt Lake City, UT 84101-2700
(801) 673-7579

VERMONT

Vermont Association for the Blind
37 Elmwood Ave., Burlington, VT 05401
(802) 863-1358 (Voice/TDD)

Vermont Center for Independent Living
174 River St., Montpelier, VT 05602
(802) 229-0501 (Voice/TDD)

VIRGINIA

Appalachian Independence Center
230 Charwood Drive, Abingdon, VA 24210
(703) 628-2969 (Voice) (703) 628-4931 (TDD)

Virginia Department for the Visually Handicapped
205 South Whiting St., Suite 505, Alexandria, VA 22304
(703) 823-2234 (Voice/TDD)

ENDependence Center of N. Virginia
2111 Wilson Blvd., Suite 400, Arlington, VA 22201
(703) 525-3268 (Voice/TDD)

Independence Resource Center
201 West Main St., Suite 8, Charlottesville, VA 22901
(804) 971-9629 (Voice/TDD)

Woodrow Wilson Center for Independent Living
Box W37 Fishersville, VA 24401
(703) 332-7103 (Voice/TDD)

Peninsula Center for Independent Living -- Insight Enterprises
11832 Canon Blvd., Suite F, Newport News, VA 23606
(804) 827-0275 (Voice) or (804) 873-0817 (TDD)

Endependence Center, Inc.
Janaf Office Bldg., Suite 601, Norfolk, VA 23502
(804) 461-8007 (Voice) (804) 461-7527 (TDD)

Central Virginia Independent Living Center, Inc.
2900 West Broad St., Richmond, VA 23230-1049
(804) 353-6503 (Voice) or (804) 353-6583 (TDD)

Independence Living Program Veterans Adminstration Med. Ctr.--VAMC Richmond
1201 Broad Rock Rd.-VAMC, Richmond, VA 23249
(804) 230-0001

Independent Living Center Network--Department for the Visually Handicapped
1809 Staples Mill Rd., Suite 101, Richmond, VA 23230
(804) 257-0030

Center for Independence for the Disabled
1502-D Williamson Rd., N.E., Roanoke, VA 24012
(703) 342-1231 (Voice) or (703) 342-1939 (TDD)

Roanoke Independent Living Center--Department for the Visually Handicapped
210 Church Ave., Southwest #B-50, Roanoke, VA 24011
(703) 982-7122 (Voice/TDD)

Shenandoah Valley Independent Living Center
21 South Kent St., Winchester, VA 22601
(703) 662-4452 (Voice/TDD)

WASHINGTON

Vision and Independent Living Services
2400 Queen St., Bellingham, WA 98226
(206) 647-0309

Kitsap Community Action Program
1201 Park Ave., Bremerton, WA 98310
(206) 377-0053

Independent Lifestyle Services
North 306 Maine St., Ellensburg, WA 98926
(509) 962-9620

Care Medical Equipment
1301 Hewitt, Everett, WA 98201
(206) 252-6456

Division of Vocational Rehabilitation--Independent Living Service
P.O. Box 45340, Olympia, WA 98504-5340
(206) 753-2756 (Voice) or (206) 753-5473 (TDD)

Center for Independence--Good Samaritan Hospital
407 14th Ave., Southeast, Puyallup, WA 98372
(206) 848-6661 (Voice/TDD)

Community Service Center for Deaf and Hard of Hearing
1609 19th Ave., Seattle, WA 98122
(206) 322-4996 (Voice/TDD)

Community Services for the Blind
9709 Third Ave. NE, Suite 100, Seattle, WA 98115
(206) 525-5556 (Voice/TDD)

Epilepsy Association Western Washington
8511 15th Ave. NE, Seattle, WA 98115
(206) 523-2551 (Voice/TDD) (800) 752-3509

Independent Living Center-Northwest
2600 South Walker, Seattle, WA 98144
(206) 328-1403 (Voice/TDD)

Resource Center for the Handicapped
20150-45th Ave., N.E., Seattle, WA 98155
(206) 362-2273 (Voice) (206) 368-3308 (TDD)

Washington Coalition of Citizens with Disabilities
3530 Stoneway, North, Seattle, WA 98103
(206) 461-4550 (Voice) or (206) 461-3766 (TDD)

Washington Department Services for the Blind
3411 South Alaska St., Seattle, WA 98118
(206) 721-4422 (Voice) or (206) 721-4056 (TDD)

Adventures in Independence Development
819 South Hatch, Spokane, WA 99202

(509) 535-9696

Coalition of Responsible Disabled
North 908 Howard, Suite 10, Spokane, WA 99201
(509) 326-6355 (Voice/TDD)

Lilac Blind Foundation, Independent Living Program
North 1212 Howard, Spokane, WA 99201
(509) 328-9116

Greater Lakes Mental Health Foundation
10510 Gravelly Lake Dr., Southwest, Suite 118, Tacoma, WA 98499
(206) 582-8820 (Voice/TDD)

Tacoma Area Coalition of Individuals with Disabilities-(TACID)
6315 South 19th St., Tacoma, WA 98466-6217
(206) 565-9000 (Voice/TDD)

Coalition Handicapped Organizations
P.O. Box 2129, Vancouver, WA 98668-2129
(206) 693-8819 (Voice) or (206) 693-8835 (TDD)

WEST VIRGINIA

Mountain State Center for Independent Living
329 Prince St., Beckley, WV 25801
(304) 255-0122 (Voice/TDD)

Appalachian Center for Independent Living
1023 Washington St. West, Charleston, WV 25302-1441
(304) 342-6328 (Voice/TDD)

Mountain State Center for Independent Living
914-1/2 Fifth Ave., Huntington, WV 25701
(304) 525-3324 (Voice/TDD)

NC West Virginia Center for Independent Living - Coordinating Council
1000 Elmer W. Prince Drive, Morgantown, WV 26505
(304) 599-3636 (Voice/TDD)

WISCONSIN

Milwaukee North Job Services
6087 Teutonia Ave., Milwaukee, WI 53209
(414) 438-2000

Visiting Nurse Corporation-Independent Living Services
11333 North National Ave., Milwaukee, WI 53227
(414) 327-2295

Veterans Adminstration Hospital
5000 West National Ave., Milwaukee, WI 53295
(414) 384-2000

Curative Workshop, Inc.
1506 South Oneida St., St. Elizabeth Hosp., Appleton, WI 54915
(414) 738-2644 (Voice) or (414) 738-2715 (TDD)

Independent Living Program-Curative Rehabilitation Center
2900 Curry Ln., P.O. Box 8027, Green Bay, WI 54308
(414) 468-1161 (Voice/TDD)

Access to Independence, Inc.
22 North Second St., Madison, WI 53704
(608) 251-7575 (Voice) or (608) 251-7731 (TDD)

Center for Independent Living
University of Wisconsin-Stout, Menomonie, WI 54751
(715) 232-2150 (Voice/TDD)

Southeast Wisconsin Center for Independent Living
6222 West Capitol Drive, Milwaukee, WI 53216
(414) 438-5622 (Voice) or (414) 438-5627 (TDD)

Society's Assets
1511 Washington Ave., Racine, WI 53403
(414) 637-9128 (Voice) (414) 552-9656 (TDD)

North Country Independent Living
P.O. Box 1245, Superior, WI 54880
(715) 392-9118 (Voice/TDD)

Christian League for the Handicapped
P.O. Box 948, Walworth, WI 53184
(414) 275-6131

Independent Living Services NC WI
1200 Lake View Dr., Suite 150, Wausau, WI 54401
(715) 848-4390 (Voice/TDD)

WYOMING

Wyoming Independent Living Rehabilitation
246 S. Center, Suite 16, Casper, WY 82601
(307) 266-6956 (Voice/TDD)

Rehabilitation Enterprises of Northeast Wyoming
245 Broadway, Sheridan, WY 82801
(307) 672-7481

DISTRICT OF COLUMBIA

D.C. Center for Independent Living
1400 Florida Ave., Northeast, #3, Washington, DC 20009
(202) 388-0033 (Voice) (202) 388-0033 (TDD)

Independent Living for the Handicapped

1301 Belmont St., Northwest, Washington, DC 20009
(202) 797-9803

VIRGIN ISLANDS

Virgin Islands Association for Independent Living
P.O. Box 3305, Charlotte Amalie, St Thomas, VI 00803-3305
(809) 775-9740

STATE TECHNOLOGY-RELATED ASSISTANCE PROGRAMS

ALASKA

Assistive Technology of Alaska
Division of Vocational Rehabilitation
400 D St., Suite 230
Anchorage, AK 99501
(907) 274-0138 (Voice)
(907) 274-0517 (TDD)

ARKANSAS

Department of Human Services
Division of Rehabilitation Services
Increasing Capabilities Access
Network
2201 Brookwood Dr., Suite 117
Little Rock, AR 72202
(501) 666-8868 (Voice/TDD)
(800) 828-2799 (In State)

COLORADO

Rocky Mountain Resource and
Training Institute
6355 Ward Rd., Suite 310
Arvada, CO 80004
(303) 420-2942 (Voice/TDD)

DELAWARE

University of Delaware
Center of Applied Science and
Engineering
New Castle County
Newark, DE 19716
(302) 651-6830 (Voice)
(302) 651-6834 (TDD)

GEORGIA

Georgia Department of Human
Resources
Georgia Division of Rehabilitation
Services
878 Peachtree St., N.E., Rm. 702
Atlanta, GA 30309
(404) 853-9151

HAWAII

Department of Human Services
Vocational Rehabilitation and
Services for the Blind Division
1000 Bishop St., Rm. 605
Honolulu, HI 96813
(808) 586-5368 (Voice)
(808) 586-5376 (TDD)

ILLINOIS

Illinois Assistive Technology Project
411 East Adams St.
Springfield, IL 62701-1404
(217) 522-7985 (Voice/TDD)

INDIANA

Family and Social Services
Administration
Division of Aging and Rehabilitative
Services
402 West Washington St., Rm. W-453
Indianapolis, IN 46207-7083
(317) 233-3394 (Voice)
(317) 232-1427 (TDD)

IOWA

Iowa Program for Assistive Technology
Iowa University Affiliated Program
University Hospital School
Iowa City, IA 52242
(319) 356-4391 (Voice/TDD)

KENTUCKY

Kentucky Assistive Technology Service (KATS) Network
KATS Network Coordinating Center
427 Versailles Rd.
Frankfort, KY 40601
(502) 564-4665 (Voice/TDD)

LOUISIANA

Louisiana State Planning Council on Developmental Disabilities
Department of Health and Hospitals
P.O. Box 3455
Baton Rouge, LA 70821-3455
(504) 342-6804

MAINE

Division of Special Education
Maine Department of Education
State House Station #23
Augusta, ME 04333
(207) 289-5950 (Voice)
(207) 289-2550 (TDD)

MARYLAND

Maryland Technology Assistance Project
Governor's Office for Handicapped Individuals
300 West Lexington St.
1 Market Center-Box 10
Baltimore, MD 21201-3435
(410) 333-4975

MASSACHUSETTS

Deputy Commissioner for Policy and Programs
Commission on the Deaf & Hard of Hearing
Central Office
600 Washington St., Rm. 600
Boston, MA 02111
(617) 727-5106 (Voice/TDD)

MINNESOTA

Minnesota Star Program
300 Centennial Bldg.
658 Cedar St.
St. Paul, MN 55155
(612) 297-1554 (Voice)
(612) 296-9962 (TDD)

MISSISSIPPI

Division of Rehabilitation Services
300 Capers Ave.
Jackson, MS 39203
(601) 354-6891 (Voice/TDD)

MISSOURI

University of Missouri- Kansas City
Institute for Human Development
University of Missouri-Kansas City
Kansas City, MO 64110
(816) 235-1770 (Voice)
(816) 235-1203 (TDD)

MONTANA

Montana Department of Social and
Rehabilitation Services
Rehabilitation Services Division
111 Sanders
P.O. Box 4210
Helena, MT 59604
(406) 444-2590 (Voice/TDD)

NEBRASKA

Assistive Technology Project
Nebraska Department of Education
Division of Rehabilitative Services
301 Centennial Mall South
P.O. Box 94987
Lincoln, NE 68509-4987
(402) 471-0735 (Voice/TDD)
(800) 742-7594 (Voice/TDD)

NEVADA

Program Development
Rehabilitation Division, PRPD
505 East King St., Rm. 502
Carson City, NV 89710
(702) 687-4452 (Voice/TDD)

NEW HAMPSHIRE

Department of Education
State of New Hampshire
Concord, NH 03824
(603) 362-4320

NEW MEXICO

New Mexico TAP
State Department of Education
Division of Vocational Rehabilitation
604 West San Mateo
Santa Fe, NM 87505
(505) 827-3533 (Voice)
(800) 866-ABLE (TDD)

NEW YORK

New York State Office of Advocate for
the Disabled
TRAID Project
One Empire State Plaza, 10th Fl.
Albany, NY 12223-0001
(518) 474-2825 (Voice)
(518) 473-4231 (TDD)

NORTH CAROLINA

North Carolina Assistive Technology
Project
Department of Human Resources
Division of Vocational Rehabilitation
Services
1110 Navaho Dr., Suite 101
Raleigh, NC 27609
(919) 850-2787

OREGON

Department of Human Resources
Oregon Vocational Rehabilitation
Division
Technology Access for Life Needs
2045 Silverton Rd., N.E.
Salem, OR 97310
(503) 378-3850 (Voice/TDD)

SOUTH CAROLINA

South Carolina Vocational
Rehabilitation Department
P.O. Box 15
West Columbia, SC 29171-0015
(803) 822-5303

TENNESSEE

Tennessee Technology Access Project
Department of Mental Health and
Mental Retardation
3rd Fl., Doctor's Bldg.
706 Church St.
Nashville, TN 37243-0675
(615) 741-7441

UTAH

Utah Assistive Technology Program
Utah State University
Developmental Center for Persons
with Disabilities
Logan, UT 84322-6855
(801) 750-1982

VERMONT

Assistive Technology Project
Department of Aging and Disabilities
Agency of Human Services
103 South Main St.
Waterbury, VT 05676
(802) 241-2186

VIRGINIA

Virginia Assistive Technology System
Department of Rehabilitative Services
4901 Fitzhugh Ave.
P.O. Box 11045
Richmond, VA 23230
(804) 367-0315 (Voice)
(804) 367-0315 (TDD))

WISCONSIN

WisTech
Division of Vocational Rehabilitation
1 West Wilson St., Rm. 950
P.O. Box 7852
Madison, WI 53702
(608) 266-1281 (Voice)
608) 266-9599 (TDD

STATE PROGRAMS OF EDUCATION AND ASSISTANCE FOR FARMERS AND RANCHERS WITH DISABILITIES

ILLINOIS

Extension Ag. Safety Spec.
Department of Ag. Engineering
University of Illinois
1304 W. Pennsylvania Ave.
Urbana, IL 61801
(217) 333-9417 (Voice)
(217) 244-0323 (Fax)

Illinois Easter Seal Society
2715 South Fourth St.
P.O. Box 1767
Springfield, IL 62705
(217) 525-0398

INDIANA

Breaking New Ground Resource Center
Purdue University
1146 Agricultural Engineering Building
West Lafayette, IN 47907-1146
(317) 494-5088 (Voice)
(317) 254-8382 (Fax)

Indiana Easter Seal Society
8425 Keystone Crossing
Suite 190
Indianapolis, IN 46240
(317) 254-8382

IOWA

Department of Human Development and Family Studies
Iowa State University
166 LeBaron Hall
Ames, IA 50011
(515) 294-6568 (Voice)
(515) 294-2502 (Fax)

The Easter Seal Society of Iowa
Farm Family Rehabilitation Management (FARM) Program
P.O. Box 4002
Des Moines, Iowa 50333
(515) 289-1933

LOUISIANA

Louisiana Cooperative Extension Service
Knapp Hall, University Station
Baton Rouge, LA 70803
(504) 388-6794

The Workplace
4162 Canal St., Suite 101
New Orleans, LA 70119
(504) 484-6363

NEW YORK

Ag. & Bio. Engineering Dept.
330 Riley-Robb Hall
Cornell University
Ithaca, NY 14853
(607) 255-1143

New York Easter Seal Society
845 Central Ave.
Albany, New York 12206
(518) 438-8785

VERMONT

Vermont Rural and Farm Family
Vocational Rehabilitation Program
Morrill Hall
University of Vermont
Burlington, VT 05405
(802) 656-3031

Easter Seal Society of New
Hampshire, Inc.
555 Auburn St.
Manchester, NH 03103
(603) 623-8863 (Voice/TDD)

WISCONSIN

University of Wisconsin-Madison
Agricultural Engineering Department
460 Henry Mall
Madison, WI 53706
(608) 262-0613

Easter Seal Society
101 Nob Hill Rd., Suite 301
Madison, WI 53713
(608) 277-8288

REGIONAL GRANTS

MONTANA, IDAHO, WYOMING

EIEIO
Rehabilitation Engineering Unit
Deptartment of Mechanical Engineering
Montana State University
Bozeman, MT 59717
(406) 994-6294

Easter Seal Society of Montana,
Idaho and Wyoming
4400 Central Ave.
Great Falls, MT 59405-1695
(406) 761-3680 (Voice/TDD)

RELAY SERVICES

TELECOMMUNICATIONS RELAY SERVICES

Title IV of the ADA requires common carriers that provide telephone voice transmission services to provide telecommunications relay services. Relay services make telephone communication possible between people who do not have TDD's and people who use TDD's. A TDD is a text telephone that makes telephone communication accessible to people who are speech and/or hearing impaired. Telephone conversation is transmitted in a visible, printed format. When using a telecommunications relay service, a trained relay operator, or communications assistant, transmits conversation between a person using a TDD and a person using a voice telephone.

For example: If an employer wished to call a person who is deaf to set up a job interview, s/he can call the relay service by voice and give the operator the applicant's telephone number. The operator will then call the applicant by TDD. When the applicant answers the telephone using a TDD, the operator will voice the applicant's message to the employer. The employer can speak directly to the applicant, with the relay operator transmitting the employer's voiced words by TDD.

Listed below are telephone numbers for state relay services.* Because the availability of telecommunications relay services is rapidly growing and changing, some of the following telephone numbers may change and new numbers may be added for states currently without relay services that are not included in this list.

Alabama

(800) 548-2546 (TDD)
(800) 548-2547 (Voice)

Arkansas

(501) 661-2736 (TDD)
(501) 661-2821

Arizona

(800) 367-8939 (TDD)
(800) 842-4681 (Voice)

Phoenix

(602) 231-0961 (TDD)
(602) 275-5779 (Voice)

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* Numbers provided by the Federal Communications Commission as of January 1992.

California

Until March 10,1992

(800) 342-5966 (TDD)
(800) 342-5833 (Voice)

After March 10, 1992

(800) 735-2929 (TDD)
(800) 735-2922 (Voice)

Colorado

(800) 659-2656 (TDD)
(800) 659-3656 (Voice)

Connecticut

(203) 242-1011 (TDD)
(203) 243-8724 (Voice)

203 Area

(800) 842-9710 (TDD)
(800) 833-8134 (Voice)

Delaware

(800) 232-5460 (TDD)
(800) 232-5470 (Voice)

Georgia

(800) 255-0056 (TDD)
(800) 255-0135 (Voice)

Hawaii

(808) 643-8833 (TDD)
(808) 643-8255

Illinois

(800) 526-0844 (TDD)
(800) 526-0857 (Voice)

Kansas

(800) 766-3777 (TDD/Voice)

Kentucky

(800) 648-6056 (TDD)
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